Advertiſement,

WHereas ſome Copies of the Acts of this Seſſion of Parliament, are given out before they were Reviſed, or Allowed to be given out by the Clerk Rigiſter, Towards the Number of Ten, Containing an Act Intituled, Act anent the Juſtice Court, being the 22 in the Number, which is not an Authorized Act. All havers thereof are deſired to return the ſaid Books to the Heir of Andrew Anderſon Their Majeſties Printer, at the Printing-Houſe in Edinburgh Colledge, and they ſhall have an Authentick approven Copy in return.

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THE

LAWS and ACTS

Made in the FOURTH SESSION of the FIRST

PARLIAMENT

Of Our moſt High and Dread SOVERAIGNS

WILLIAM and MARY,

By the Grace of GOD, *KING & QUEEN of* SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, *Defenders of the Faith.*

Holden and begun at *Edinburgh, April* 18. 1693.

By His Grace *WILLIAM* Duke of *Hamilton*, Marqueſs of *Clidſdale*, Earl of *Arran* and *Lanerk*, Lord *Aven*, *Polmount* and *Machinſhire*, Knight of the moſt Noble of the *Garter*, Preſident of Their *Majeſties* moſt Honourable Privy Council, and Lord High Admiral of *Scotland*.

Their MAJESTIES High Commiſſioner for Holding this Parliament, by vertue of a Commiſſion under their *Majeſties* Great Seal of this Kingdom.

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

Collected and Extracted from the Regiſters and Records of Parliament, *by* GEORGE *Viſcount of* Tarbat, *Lord* McLeod, *and* Caſtlehaven, *&c. Clerk to Their* Majeſties *Council, Exchequer, Regiſters and Rolls*, &c.

EDINBURGH,
Printed by the Heir of *Andrew Anderſon*, Printer to Their moſt Excellent Majeſties, *Anno Dom.* 1693.
Cum Privilegio.

LAWS and ACTS

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PARLIAMENT

Of Our most High and Dread SOVERAIGNS,

WILLIAM and MARY,

By the Grace of God, KING and QUEEN of SCOTLAND, ENGLAND, FRANCE *and* IRELAND *Defenders of the Faith.*

Holden at *EDINBRGH*, the 18 Day of *April*, 1693.

I

ACT for a Monthly Faſt.

May 2. 1693.

THE ESTATES OF PARLIAMENT, upon Application made to them, by the Miniſters of the Presbytery of *Edinburgh*, & ſeveral other Miniſters from other parts of this Kingdom, taking to their Conſideration, the great important War wherein his Majeſty is neceſſarly ingaged, for the Defence of the True Reformed Religion, the ſafety and Security of this, and his other Kingdoms, and the Recovery and Eſtabliſhment of the Rigts, Liberties and Peace of the reſt of *Chriſtendom*, ſo much

at this time Invaded and Disturbed, with the continual Hazards to which His Majesties Sacred Person is thereby exposed: As likewise the Dangers which do thence threaten this Kingdom, and all that can be dear to His Majesties good Subjects therein, either as Christians or Men, both by Invasion from Abrotd, and the froward Disaffection, and restless Machinations of evil and unnatural Countrey-men at Home; And how much it is the Duty and Interest of all good Men, for these Causes, and on this Occasion, to Implore the Mercy, Favour and Blessings of Almighty GOD, for preserving His Majesties Royal Person, and Directing, Assisting and Prospering Him in all his Counsels and Undertakings; And more especially, that God would Countenance and Assist Him to the present War, give Him Success to His Army by Sea and Land, and defeat all the Designs, Counsels and Practices of his Secret and open Enemies, both at Home and Abroad, for the Preservation of the True Protestant Religion, securing the Safety of these Kingdoms, and the happy Restoring of the Peace of *Europe*: Therefore their Majesties with Advice and Consent of the saids Estates of Parliament, Do hereby Command and Appoint, that a Day of Solemn Fastings and Humiliation, for making Prayers and Supplications to God, for the ends above-mentioned, be religiously and strictly observed by all persons within this Kingdom, both in Churches and Meeting-houses, upon the third *Thursday* of this Month of *May*, and the third *Thursday* of every Month thereafter, until Intimation of forbearance be made by the Lords of their Majesties Privy Council; And Ordains all Ministers to read these presents publickly in their Congregations a *Sunday* at least before the said first Day appointed for keeping the said Fast, & so forth a *Sunday* before each third *Thursday* foresaid during the space abovementioned: And their Majesties with Consent foresaid Ordains these presents to be printed and published at the Mercat-rosts of *Edinburgh*, & remanent Mercat-crosses of the Head-burghs of the several Shires and Stewartries within this Kingdom, that none may pretend Ignorance, and that Copies be dispatched in the usual manner to the Sheriffs and Stewarts, Baillies of Regalities, their Deputs, & Magistrats of Burghs, as likewise to all Ministers concerned, that they may seriously exhort all persons to a sincere and devout Observance of the premisses; certifying such of the Lieges who shall not give due Obedience, or who shall contemn or neglect the keeping and observing of the saids Days and Duties, that they shall be proceeded against, by Fining, not exceeding a hundred pounds *Scots*, *toties quoties*: And Warrands and commands the Sheriffs, Stewarts of Stewartries, Lords and Baillies of Regalities, and their Deputs, Justices of peace, Magistrats of Burghs within their several Jurisdictions, to proceed against the persons guilty, and to exact the Fines accordingly, to be applyed the one half to the Judge, and the other half to the poor of the paroch; & certifying such Ministers as shall fail in their Duty, in not reading this proclamation, and observing the Duties therein prescribed, they shall be processed before the Lords of their Majesties privy Council; And hereby requires all Sheriffs, Stewarts, Lords and Baillies of Regalities, and their Deputs, Justices of peace, Magistrats of Burghs, and their Clerks, to make Report thereof to their Majesties privy Council, of these Ministers who shall failzie of their Duty herein.

ACT

11.

ACT for a New Supply out of the Land-rent

May 4. 1693.

THE Eſtates of parliament taking to their Conſideration, that in regaird of the great and imminent Dangers which threaten this Kingdom from Forraign and Inteſtine Diſaffection, and Deſigns of evil Men. There is a viſible neceſſity of more ſtanding Forces, which require Additional Supplies to be raiſed for their Maintenance: Do therefore humbly and cheerfully for themſelves, and in Name of this Kingdom which they repreſent, make offer to their Majeſties of a Supply, of ſeven hundred and fifty ſix thouſand pounds *Scots* Money, extending to ten Months Ceſs, and a half Month, and that over and above the ſeven Months Ceſs and a half, yet remaining unuplifted of the Supply impoſed by the 6 Act, 2 *Seſſ.* of this current Parliament, dated 7 of *June* 1690. Which new Supply to be raiſed and uplifted out of the Land-rent of this Kingdom, in the ſame manner, and conform to the Proportions of the Shires and Burghs, contained in the ſaid Act of Parliament, and to be payed in three parts, each third part anſwering to three Months Ceſs, and a half Month, *viz.* Two hundred fifty two thouſand pounds, as being one third part thereof, to be payed betwixt and the twenty fifth day of *May* inſtant, in this preſent year, one thouſand ſix hundred and ninety three, and other two hundred fifty pounds two thouſand at the Term of *Martinmaſs*, one thouſand ſix hundred and ninety three and the third two hundred fifty two thouſand Pounds, to be payed at the Term of *Whitſunday*, one thouſand ſix hundred and ninety four years, And the King and Queens Majeſties conſidering, that this Supply is granted for ſo neceſſar and important Ends and Purpoſes, Do with Advice & Conſent of the Eſtates of Parlinment: Declare that no Perſon or perſons, ſhall be exempted from payment of their Proportions of this Supply for their Lands upon any pretext whatſomever, (excepting mortified Lands allannarly) notwithſtanding of any former Law, Priviledge or Act of Parliament in the contrary. And their Majeſties with Advice and Conſent foreſaid, do nominat and appoint the ſame perſons, who are Named in the foreſaid Act of parliament, who are alive, and have qualified themſelves according to Law, or ſhall qualify themſelves betwixt and the firſt day of *Auguſt* next, and ſuch others as has been ſince Nominat by the privy Council to be Commiſſioners, for Ordering and Uplifting this Supply, with the ſame power to them, to do every thing that may concern the ſame, as is preſcribed and appointed by the ſaid Act, holding the ſame as repeated herein. And Ordains the ſame Execution to paſs for Inbringing thereof, as is provided by that Act in all points. And Ordains the firſt meeting of the ſaids Commiſſioners for the Shires, to be at the Head-Burghs thereof, upon the ſixteenth day of *May* inſtant, at ten a Clock, for the Shires on this ſide of the River of *Tay*, & the twenty third of this inſtant for the Shires benorth *Tay*. And requires the Sheriffs and Stewarts, or their Deputs, to intimate the ſame to the Commiſſioners of the reſpective Shires and Stewartries, with power to them, to appoint their ſubſequent Dyets of meeting, and their Conveener from time to time. And appoints the preſent Collec-

tors to contine, for the first Terms payment of this Supply, they renewing their former Caution, or finding other sufficient Caution. But prejudice to the said Commissioners to continue them, or to appoint other Persons to be Collectors, for the other two Terms, as they shall find cause, and remits to their Majesties Privy Council, upon the Death, or not Acceptance of any of the Commissioners of Supply, Named in the foresaid Act of Parliament, to nominat and appoint others in their Places. And their Majesties with Advice and consent foresaid, Do Declare, that all Clauses contained in the former Acts of Parliament and Convention of Estates, in Relation to the In-bringing of the Cess and Quartering, and anent Riding-money, shall stand in full force as to this Supply now imposed in the same manner, as if they were insert herein, except in so far as these Acts of Parliament or Convention are innovat or altered by the foresaid sixth Act of the second Session of this Parliament. And it is hereby Declared, that no persons lyable in payment of this Supply, shall be holden to produce their Discharges or Receipts of the same, after three years, from the respective Terms of payment, unless Diligence be done by Denunciation, before elapsing of the saids three years.

III

ACT for an Additional Excise.

May 5. 1693.

THE Estates of Parliament, taking to their Consideration, that the present Dangers of the Kingdom, do Require for its necessary Defence, a greater number of Forces to be Levyed and kept up, for which Additional Fonds to the present Supply upon the Land-Rent will be requisit: Do therefore for one of these Fonds, over and above the Excise of two Merks on the Boll of Malt annexed to the Crown, heartily offer to Their Majesties, for the end foresaid, an Additional Excise of three Pennies upon the Pint of all Ale and Beer Brown, to be Vended and Sold: as also of two shilling on the Pint of Aquavity and strong Waters Browen or made of Malt, to be Vended and Sold within the Kingdom: And likewise an Additional Excise, of two shilling upon each Pint of Aquavity and Strong-Waters Browen, not made of Malt, excepting what is made of Wine: Which Excise, is to be payed in manner following, *viz.* For the first two Months of *June* and *July* upon the first of *August* next 1693. And thereafter Quarterly, during the space of twenty three Months, Commencing from the first Day of *June* next, and ending the first Day of *May* 1695, for making of the which offer effectual, Their Majesties with Advice and Consent of the said Estates of Parliament, Do hereby Impose and Ordain the foresaid Additional Excise of three Pennies upon the Pint of Ale and Beer, and two shilling on the Pint of Aquavity and strong Waters made of Malt or otherwise as aforesaid, to be raised and Uplifted from all Brewers of the said

Liquors

Liquors Browen and made, to be Vended and Sold, as ſaid is, for the ſaid ſpace of twenty three Months. And for the Raiſing, Ordering, and Inbringing thereof, they do hereby Appoint and Authorize the Commiſſioners of the New-Supply, Nominat and Appointed in another Act of this preſent Seſſion of Parliament, to be Commiſſioners of Exciſe for the ſeveral Shires for the end foreſaid: And the Royal Burghs to have the ſame Number of Commiſſioners, as was appointed by the fourteenth Act of the Parliament one thouſand ſix hundred ſixty and one; Impowering them fully for that effect, conform to the Rules and Orders formerly Enacted, for raiſing and in-bringing the foreſaid annexed Exciſe: As alſo to ſet down and cauſe obſerve ſuch other Rules as they ſhall judge neceſſary, agreeable alwiſe to the Acts of Parliament already made, about the foreſaid former Exciſe. And to the effect, that abuſes in this matter may be prevented; Their Majeſties with Conſent foreſaid, Do hereby Declare and Enact, that if any Brewer in uſe to Brew for Sale and Change ſhall give over Brewing after the date of this Act, without an allowance in Writing from the ſaid Commiſſioners of Exciſe, for good and ſeen Cauſes, the ſaid Brewer ſhall not be permitted to Brew for Change, for the ſpace of five years thereafter, but ſhall be, and is hereby Diſcharged and Rendered Incapable to do the ſame. As likewiſe, it is hereby Statute and Ordained, that no Perſons whatſoever, who have not been in uſe to Brew, for the Service of themſelves, and their Family, in time bypaſt, ſhall preſume to Brew after the firſt of *June* next, for their own and their Families uſe, and if they Contraveen, that they ſhall be lyable in payment of Exciſe, for what they ſhall Brew. And Their Majeſties with Conſent foreſaid, Do Ordain the firſt Dyet of Meeting of the ſaids Commiſſioners, to be as follows, *viz.* For theſe Shires on this ſide of the River of *Tay*, upon the ſixteenth day of *May* inſtant, and for the Shires be-north *Tay*, upon the twenty third day of *May*. And grants Warrand to the Sheriffs and Stewarts of the ſeveral Shires and Stewartries, and their Clerks, to Conveen the ſaids Commiſſioners to that effect, with power to them thereafter, to appoint their own Conveener, and ſubſequent Dyets of Meeting And it is hereby Declared, that if any Tackſman or Collector, or other Perſon, ſhall exact any thing over and above his Exciſe, for the Diſcharges thereof, or for the Diſcharge of any other publick Dues whatſoever, it ſhall be repute as Oppreſſion, and puniſhed accordingly by the ſaids Commiſſioners, who are hereby impowered to proceed againſt the Perſons guilty: And Their Majeſties, with advice and conſent foreſaid, do Authorize and Impower the Lords of Privy Council, to Preſcribe ſuch other Methods and Orders as they ſhall judge neceſſary, for making this Act effectual.

IV.

ACT againſt falſe Muſters and free Quarters, and anent due Paying of Their Majeſties Forces.

May 11. 1693,

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, and the Eſtates of Parliament, taking to Their Conſideration, that it will contribute much to Their Majeſties Service, that all Fraud and Deceit in making of falſe Muſters, be obviated and prevented, and that the Pay deſtinate and appointed to the Soldiers be not kept up by their Officers and others, intruſted with the payment of the Soldiers; but that their Pay be effectually given them. Therefore the King and Queens Majeſties and Eſtates of Parliament, Statutes and Ordains, that if any Perſon, Officer, or other of Their Majeſties Forces, as well in Caſtles and Gariſons as others, ſhall make, or give, or procure to be made or given, or make uſe of any falſe or untrue certificat; thereby to excuſe any Soldiers for their abſence from any Muſter or other Service, which they ought to attend or perform, upon a pretence of ſickneſs or other cauſe, that then every perſon ſo making, giving or procuring ſuch Certificats, ſhall be fined for every ſuch Offence, in the Sum of one thouſand Merks, the one half to Their Majeſties uſe, and the other half to the Informer, and if he be an Officer that contraveens, he beſide the Fine of one thouſand Merks, ſhall be Caſhiered and Diſplaced, and ſhall be incapable of any Military Office or Imployment within this Kingdom, any every Officer that ſhall make any falſe or untrue Muſter of Man or Horſe, and every Commiſſary, Muſter-maſter and other Officer, that ſhall allow or ſign the Muſter-Roll, wherein ſuch falſe Muſters is contained, ſhall be Caſhiered and loſs their Office, and ſhall be incapable of any Military Office or Imployment, within this Kingdom, and ſhall likewiſe be fined in the Sum of one thouſand merks the one half to Their Majeſties uſe, and the other half to the Informer; And for the more effectual preventing of falſe Muſters, Statutes and Ordains, that every Commiſſary or Muſter-maſter, upon any Muſter to be made, ſhal be oblidged to give notice a convenient time before to the Magiſtrats of the Burghs, or Sheriffs of the Shires, or their Deputs, or Baillies of Royalty or Regality, or their Deputs, or Stewarts of Stewartries, or their Deputs, within whoſe Juriſdictions the Muſter is to be made, and the Magiſtrats of Burghs, in caſe the Muſter be to be made within a Burgh, and the Sheriff or their Deputs, when the Muſter is to be made within a Sheriffdom, and the Baillie of Regality or his Deputs, when the Muſter is to be made within a Regality, and the Stewart of the Stewartries or their Deputs, when the Muſters are to be made within a Stewartry, to be preſent at every ſuch Muſter, and give their outmoſt Aſſiſtance, for the diſcovering of any falſe or untrue Muſter, and every Commiſſary or Muſter-maſter, that ſhall neglect to give notice as ſaid is, or ſhall refuſe to take the Aſſiſtance of the Magiſtrats of Burghs, when the Muſter is made within a Burgh, or of the Sheriffs, Baillies

Baillies of Regalities and Royalities, and Stewarts, or their Deputs, when the Muſter is made within their reſpective Juriſdictions, the Commiſſary or Muſter-maſter ſo offending, ſhall loſe his Office, and be fined in the Sum of one thouſand Merks, the one half to Their Majeſties uſe, and the other half to the Informer, and no Muſter-Roll ſhall be allowed, unleſs the ſame be ſigned by the Magiſtrat of the Burgh, or Sheriff of the Shire, or Baillies of Regalities and Royalities, or Stewarts or their Deputs, within whoſe Juriſdiction the Muſter is made, and if any perſon ſhall be falſly muſtered, or offer himſelf falſly and deceitfully to be muſtered, upon Certificat thereof under the hand of the Muſter-maſter, or chief Magiſtrat of the place, who ſhall be preſent at the Muſtering, he ſhall be impriſoned for the ſpace of a Month, and ſhall have his right Ear cut off, and if any perſon ſhall wittingly and willingly, lend or furniſh a Horſe to be Muſtered, which ſhall not truly belong to the Trooper or Dragooner, or Troop Muſtered, the ſaid Horſe ſo falſly muſtered, ſhall be forefeited to the Informer, if the Horſe doth belong to the perſon Lending or Furniſhing, and if the Horſe do not belong to the Lender or Furniſher, he ſhall be Fined in the Sum of five hundred Merks, to be payed to the Informer, and if he be an Officer that lendeth or furniſheth a Horſe to be muſtered, which doth not truly belong to the Trooper or Dragooner muſtered, every ſuch Officer ſo offending, ſhall be fined in the Sum of five hundred Merks to be payed to the Informer, which ſhall be payed out of the Arrears of the ſaid Officers Pay, by Order of the Court-martial to the Pay-maſter, if the ſaid Officer ſhall have any Arrears due to him, and if there ſhall be no Arrears due to the ſaid Officer the Court-martial ſhall immediatly give Order, to ſeize the Goods of the ſaid Officer, and ſell them for payment of the Fine, which is to be given to the Informer, the *Superplus* that is more than pays the ſaid Fine, being alwiſe reſtored to the Owner; and if the Officer ſo offending, ſhall have no Goods, that then he ſhall be committed to Priſon, there to remain for the ſpace of ſix Months, and the Court-martial ſhall diſcharge the Informer, if he be a Soldier, from any further Service, if he demands the ſame; and if any Pay-maſter, or Clerk of any Regiment, Troop or Company, ſhall detain and withold by the ſpace of a Month the pay of any Officer or Soldier, (Cloaths & all other juſt Allowances being deduced) after the Pay ſhall be received; or if any Officer having received their Soldiers Pay, ſhall refuſe to pay every common Soldier their reſpective Pay, when it ſhall become due, the Pay-maſter, Clerk or Officer ſo offending, ſhall loſs his Office or Imployment, and ſhall be fined in two thouſand Merks, to be payed to the Informer, and to be raiſed in manner foreſaid, and ſhall be incapable of any Office or Imployment, Civil or Military within this Kingdom, and the Informer, if a Soldier ſhall be diſcharged of any other Service, if he demand the ſame. And it is further ſtatute and Ordained, that the Commanding Officer of every Troop or Company at the time of the Muſter, ſhall bring in a Certificat ſigned of the Number of ſuch Perſons as are ſick, or have leave to abſent upon Forelooffs, and of ſuch as are dead and deſerted ſince the laſt Muſter, with the days of their Deaths or Deſertion; and if ſuch Certificats ſhall prove falſe, the Officer ſigning ſuch a Certificat ſhal be lyable to the ſame pain, as in the caſe of falſe muſters: As alſo it is provided, that if any

Officer, Commiſſary, or Muſter-maſter, ſhall Muſter any perſon that is a Servant, or receives Wages from any Officer, or that ſhall attend any Officer as a Servant, in the abſence of the ſaid Officer from his Quarters, or ſhall Muſter any perſon by a wrong Name, the ſaid Officer, Commiſſary, or Muſter-maſter ſhall be puniſhed as in the caſe of falſe Muſters. And it is further Statute and Ordained, that no Pay-maſter of the Army, Commiſſary, or Muſter-maſter, or their Deputs and Servants, ſhall receive any Fees, or make any Deductions whatſoever out of the Pay of any Officer or Soldier, other than the uſual Deductions for Cloathing, under the Pain of being puniſhed as in the caſe of falſe Muſters; and it is declared, that the Pay-maſter of the Army, Commiſſary or Muſter-maſter, ſhall be lyable in the ſame Pain and Puniſhment in caſe of Contravention, by their Deputs and Servants, as if they had done it themſelves; and as the Officers and Soldiers ſhould be effectually payed, and not defrauded of their due Pay, ſo it is juſt and reaſonable that they pay the Country, and not be allowed to exact Free Quarters where they come. Therefore, and for freeing the Country of other Abuſes and Diſorders, in uſe to be committed by the Soldiers. The King and Queens Majeſties, and the Eſtates of Parliament, Ratifies, Approves and Confirms an Act of Privy Council, of the date the Fourteenth day of *February* laſt, one thouſand ſix hundred ninety three, *anent the Ordering of the Payment of Proviſions for the Forces, and Redreſſing Abuſes committed by them*, in the whole Heads, Tenors and Contents thereof; and Ordains the ſame to take full effect, and to be put to further Execution, of the which Act the Tenor follows, *William* and *Mary* by the Grace of GOD King and Queen of *Great-Britain*, *France* and *Ireland*, Defenders of the Faith, To Macers of Our Privy Council, Meſſengers at Arms, Our Sheriffs in that part, conjunctly and ſeverally, ſpecially Conſtitute, Greeting Foraſmuch as, by divers Laws and acts of Parliament, made by Our Royal Predeceſſors, all free Quartering of Soldiers in tranſient or local Quarters, and all Localities for furniſhing or carrying Corn, Straw, Hay, or Graſs to Soldiers Horſes, is expreſly prohibited and Diſcharged, and by an Eſtabliſhment under our Royal Hand, there being Meaſures laid down, and Fonds appropriat for the exact and punctual Payment of the ſtanding Forces and Gariſons within this Our antient Kingdom, and a Commiſſary appointed for making due and regular Proviſions of Corn, Straw and Graſs, for the Horſes and Dragoons preſently under Our pay, and in Our Service within this Our antient Kingdom by ready Money, or otherwiſe as he can beſt bargain with any of Our Liedges for their Corn, Straw and Graſs; Whereby the Abuſe heretofore done and committed upon any of Our Liedges, by the illegal exacting Locality or free Quarter, may be remeeded and prevented, and all Mens-meat, and Horſe-meat furniſhed to any Officers or Soldiers in Our Service within this Our Antient Kingdom, duly payed. And We conſidering how neceſſary it is, that all Our good Subjects ſhould know by whom, and in what manner they are to be Payed for all Proviſions of Corn, Straw, and Graſs for Horſes, and Meat and Drink to be furniſhed to Our Officers and Soldiers, by them or any of them; and that all Officers and Soldiers within this Our ſaid Antient Kingdom may govern and regulat themſelves and the Troops under their Command accordingly, as they will be

be answerable. We with Advice of the Lords of Our Privy Council, Require and Command the Commissary-General, appointed and received by the Lords of Our Thesaury, to make due and timeous Provisions of Oats Straw and Grass, for all Horse and Dragoons at present under Our Pay, and in Our Service within this Our Antient Kingdom, in their respective transient Quarters: And that the same may be more orderly and effectually done, We Require and Command all Our Officers, who command the said Troops, to give timely Notice to the said Commissary of their Removal to, and from local Quarters, and of the Rout appointed for their March in transient Qaarters, that Provisions may be ready accordingly. And in case any Parties be called to March upon sudden Commands, which may not be fit to impart to the Commissary: Then We with Advice foresaid, strictly Charge and Require the Commanders of the several Parties, to buy with ready Money the Oats, Straw and Grass necessary for their Horses, as any other of Our Leidges is in use to do, and what he shall disburse or expend thereon, We hereby Require and Command, Our said Commissary to refound and repay the same. And We with Advice of Our Privy Council, do hereby Require and Command Our Commissary-general, by himself, or fit Persons imployed and intrusted by him, to attend at the Magazines which shall be provided for Our Troops at their respective Quarters, two hours each Day, *viz.* betwixt ten and twelve in the Forenoon, at the least to attend the two Hours above named, upon one or moe days of each Week, such as shall be particularly agreed upon betwixt the Commissary and the Officers, to the effect, the Provisions may be given out by the Commissary, and received by the Officers and Soldiers timeously, and without Disorder or Confusion, and hereby all Officers and Soldiers are peremptorly prohibited and discharged to offer any Injury or Abuse to Our said Commissary or his Deputs, as they will be answerable at their highest Peril: And sicklike, We with Advice foresaid, peremptorly Require and Command the Officer commanding in chief, in any place of Local or Transient Quarters, to see the whole Meat & Drink furnished to the Soldiers and Officers under his Command, by the Land-lords of their Quarters, exactly and compleatly payed at the ordinary Rates of the Countrey: And in case there shall be any Exaction or Discharge of Free-quarters extorted, or abatement exacted below the ordinary Rates, or any other Abuse committed: We with Advice foresaid, Require and Command the Commanding Officer there for the time, to make payment by ready Money for the whole Soldiers and Officers on the place in their Local Quarters, once every Week at fartheſt, and transient Quarters before Removal, if they stay a shorter time than a Week, under the pain of Cashciring and Breaking the said Commanding Officer, upon complaint of his Transgressing the Premisses, to be made by the Party injured to Our Privy Council, or to the Sheriff, or his Deput, Baillie of Regality, or his Deput, Stewart of the Stewartry, or his Deput, or any two Commissioners of Supply of the Bounds and Shire, where the saids Abuses and Injuries are done and committed, whom, or either of whom, We, with Advice foresaid, Require and Command, to receive the saids Complaints, and transmit the same to the Clerks of Our Privy Council, within ten days after any such Complaints shall be made to them, under the pain of being

lyable to repair the Party injured themſelves,and which Complaints, We with Advice foreſaid,appoint to be purſued by Our Advocat and Solicitor upon the publick Charge. And in caſe any privat Party ſhall think fit to purſue the ſame themſelves; We hereby Require and Command the Expenſes that ſhall be laid out by them, in proſecution thereof, to be Repayed and Re-imburſed to them by the Lords of Our Theſaury,as well as the Expenſes to be laid out by Our Solicitor; all which are to be retained and deduced by the ſaids Lords of Our Theſaury, out of the Officers Pay againſt whom the ſaid Complaint is made and verified. And in caſe any inferior Officer in Tranſient or local Quarters, ſhall Tranſgreſs any of the Premiſſes; We hereby Require and Command the Commanding Officer, upon Complaint made to him,and proven,inſtantly to pay the Complainer what ſhall be due to him,and if the perſon complained on, be an un-commiſſionat Officer, the ſaid Commander is inſtantly to break and Caſheir him,& if he be a Commiſſionat Officer, who ſhall ſo tranſgrſs; We with Advice foreſaid, Require the ſaid Commanding Officer,to Suſpend him in the mean time,and immediatly to repreſent the ſame to our Privy Council that they may give Orders for Breaking and Caſheiring the Officer tranſgreſſing,providing the Complaints for not payment of Local Quarters, or committing any of the Abuſes foreſaid therein,be made to the ſaid Commanding Officer,within eight days after a Weeks Quarters are reſting,or any other Abuſes committed, and in tranſient Quarters, before the Parties Removal, with Certification, if payment be not craved, or Complaint made within the time foreſaid, the Commanding Officer ſhall be free, but prejudice to the Land-lords and others,to ſeek their Payment and Reparation from the perſons Debitors therein, or committers thereof, by all other legal means, and it ſhall be ſufficient evidence, that the Commanding Officer has been complained to,required to make payment of Proviſions furniſhed to Soldiers,Men,and Horſes under his Command, or redreſs abuſes committed by them,if the ſame be made to him,in preſence of a Magiſtrat within Burgh, a Juſtice of Peace,or two Witneſſes. And We with advice foreſaid,do declare,that no Diſcharges ſhall be ſufficient for exonering the Soldiers and Officers; and inſtructing the payment of their Quarters,unleſs they be ſubſcribed by the Maſter of the Ground,or his Chamberlain, or the Officer of the Ground before two Witneſſes, or a Magiſtrat within Burgh. And for preventing of a common abuſe done and committed upon Our Leidges by Soldiers and Officers, in their Marches preſſing and ſeizing upon Horſes, for their own private Uſe and Service; We with advice foreſaid, do ſtrictly prohibite and diſcharge,all preſſing and ſeizing upon Horſes by any Officer or Soldier, for their own particular and privat Service, under the pain of a Months pay,to be retained (upon complaint to be made and inſtructed as aforeſaid) off the Officer who commands, and where Horſes are neceſſary for carrying Artillery, Ammunition, or Proviſion, or any other uſe of the Army, in the Towns, or in the Countrey, that the ſame may be imployed and made uſe of, by Order of the Commander of the Party, and of the Magiſtrats of the Burghs joyntly,if the Horſes be furniſhed within Burgh: And by the ſaid Commander,and any one of the Commiſſioners of Supply within the Shire, where the Horſes are furniſhed and made uſe

of

of in Landwart. And We with Advice foresaid, conform to the third Act Parliament one thousand six hundred and eighty one, Ordain, that there be payed for each day that the saids Horses shall travel, three Shilling *Scots* for each two Miles to the Man and Horse, and each day that they do not Travel, six shilling *Scots* to the Man, and as much for the Horse, the Man being oblidged to provide himself and the Horse, which shall be payed by the Magistrats of the *Burgh*; if the Horses be taken within a Town, or if in the *Country* by the Collector of the Supply in the Shire, who are to be repayed thereof, or to have the same allowed to them by the Receiver-general; And that the Horses necessary to be made use of, and imployed for the *Service* and use of Our Forces above expressed, may be the more Regularly and Equally proportioned and provided: We with Advice foresaid, Require and Command the Magistrats within Burghs, and *Commissioners* of *Supply*, and Justices of *Peace* in Landwart, to cause provide from time to time a competent Number of Horses within their respective Bounds, for the Service of Our Forces, and uses foresaids, as they will be answerable at their peril. And We with Advice foresaid, *Prohibite* and Discharge any Officer or Soldier to seize upon, or press any Horses, without the concurse of the persons above-named, or to detain them longer than one days March at furthest; but to restore and give back the said Horses, imployed in the manner foresaid, in good *Case*, under the pain of a Months Pay to be retained in manner foresaid, off the Officer who shall be found to contraveen the Premises, besides the payment of the price of the Horse to the Furnisher, as the same shall be instructed before the Baillies within Burgh, Sheriffs, Stewarts, Baillies of Regalities, or Deputs, or Justices of Peace in the Countrey. And to the end, Our Royal Pleasure in the *Premisses*, may be made publick and known. OUR WILL IS, and We Charge you strictly, and Command, that in continent these Our Letters seen, ye pass to the Mercat-cross of *Edinburgh*, and all other Mercat-crosses of the Head-burghs of this Kingdom, as well Royalty as Regality and *Stewartry*, and other places needfull, and there in our Name and Authory, by open Proclamation, make publication of the *Premisses*: And likewise that all Our Forces as well as Our Liedges, may have notice hereof, We do Require and Command these presents to be be publickly read, at the Head of every Troop & Company of *Our* standing Forces, that none may pretend ignorance. Given under Our Signet at *Edinburgh* the fourteenth day of *February*, and of *Our* Reign the fourth year, one thousand six hundred and ninety three. With this Addition, that in the case of either Local or Transient Quarters, if any *Officer* or Soldier shall not make due payment, conform to the said Act of Privy *Council*, of what they take on in their Quarters, or shall commit any Abuses in their Quarters, it shall be lawful and leisum to the Land-lord, upon whom the Soldier was quartered, to instruct before a Justice of *Peace*, or a Commissioner of Excise and Assessment, Magistrat of Burgh, or the next Neighbouring Heretor, by Witnesses, or the Oath of the *Party* lesed, what was taken on by the Officers or Soldiers, or what Dammages were done by them in their Quarters; which being instructed, and liquidat as said is, the Justice of *Peace*, and Commissioners of Excise and *Assessment*, Magistrat of Burgh or the Neighbouring Heretor, before whom the Value of the said Quartering or Dammage shall be instructed and liquidat, shall be holden & obliged

to give the Land-lord, upon whom the Officer or Soldier were quartered a Declaration bearing the value of the Quartering and Damages ſuſtained: And Ordains the Collector of the Shire to give allowance of the ſame to the Land-lord, out of the fore-end of his Ceſs or Exciſe, and that the Collector of the Shire ſhall have Allowance thereof from the General Receiver: And in caſe the Land-lord be a Tennent, or other perſon that is neither lyable for Ceſs or Exciſe; In this caſe the Heretor of the Ground ſhall have allowance of the ſame, out of the fore-end of his Ceſs or Exciſe, due and payable by him, to the effect that the Tennent may get payment thereof. And Ordains the Collectors of the Ceſs and Exciſe, to give Allowance to the Land-lord or Heretor of the Ground, of the Sum that ſhall be contained in the ſaid Declaration, out of the fore-end of the Land-lord or Heretors Ceſs or Exciſe, and the Collectors are appointed to give account thereof to the General-Commiſſary, or Pay-maſter of the Army, that he may retain the ſame off the fore-end of the Officers or Soldiers Pay. And it is hereby declared, that if the Officers firſt applyed to, as is appointed by the foreſaid Proclamation, ſhall not give Redreſs, then the Officers Pay ſhall be lyable as well as the Soldiers Pay, and the Collector and General Receiver ſhall give Allowance accordingly, and the Collector and General Receiver are ordained to give the ſaid Allowance, under the pain of Deprivation, by and attour the refounding of the Dammage of the Party leſed. And Ordains this Act to be publickly read upon the head of every Regiment, Troop, or Company, every time the ſame is Muſtered, that due Obedience may be given thereto.

V.

ACT anent the Loyal Curing and Packing of Herring and Salmond-fiſh.

May 12, 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, conſidering, how much the true and Loyal Curing and Packing of Herring and Salmond-fiſh, to be exported forth of this Kingdom, contribute to the Advancement of Trade, and general Good of the Nation; DO THEREFORE, with Advice and Conſent of the Eſtates of Parliament, Statute, Ordain and Enact, that all Casks to be made hereafter, for Exporting Herring, or Salmond-fiſh, be made of well ſeaſoned Knappel, or Oak-timber, free from all white Wood, or Worm-holes, the Heads of the Cask dowled, the Step or Stave of a third part of an inch, at leaſt in thickneſs, and that none of the Staves be Rift or Clift: And that ilk Barrel for exporting of Herring, contain eight Gallons and two Pints: And ilk Barrel for exporting Salmond, ten Gallons, and be full Hooped, at leaſt on the one end, and have eight Hoops on the other end. And SICK-

LIKE,

LIKE, that there be keeped in each Royal-Burgh, where Casks for Export are made, a burning Seal for marking of such Casks: and that the Magistrats, or Dean of Gild of the respective Burghs, appoint an honest Cowper, for whom they will be answerable, for Visiting and Trying all Barrels made for Export, and that the Maker of the Cask put his own mark upon them, before he sell them, and call a Cowper appointed by a Royal-Burgh to try them, and if they be found sufficient, that he put the publick Seal of the Burgh upon them, for which the said Cowper is to have four shilling *Scots*, for ilk Last from the Maker: and that ilk Barrel, which after such Tryal, shall be found unsufficient, be confiscated and disposed upon, for the use of the Poor, within the Paroch where they are made, excepting such parts thereof, as the respective Magistrats shall think fit, to give to the Cowper-visitor within the Burgh, for his encouragement: and if the saids Casks shall be found unsufficient, after the publick Mark of the Burgh is so affixed thereon, the Cowper who visited the same is to pay therefore six pound *Scots* for ilk Last, and proportionally for ilk Barrel; and whatever Cask shall be put Aboard, before they be visited and marked as said is, the same are to be seized and confiscated as unsufficient, and applyed for the uses above-mentioned. AND SICKLIKE, that all Herring and Salmond for Export, be made, Pyned and Cured with French Bay, or Spanish Salt, or with Salt upon Salt, made of Forreign Salt: and that all Herrings for Export (excepting such Herrings as are exported to the Sound, before the tenth day of *September* yearly) be Re-packed, well filled and washed. AND IN LIKE MANNER, that the Magistrats in ilk Royal-Burgh, appoint an honest Man of Judgment, and skill in curing and packing of Herring, for whom they shall be answerable to Visit all Herrings, Exported out of their Precinct, who is to have a publick Burning-Mark, and to affix the same upon all Casks, which are found sufficiently Cured and Packed, and if any shall be found unsufficiently Cured or Packed, after Visiting and Trying thereof, they are to be seized and confiscated for the Uses foresaids: And the first Buyer is in that case to have recourse against the Curer, and Maker of the saids Herrings: but if the unsufficiency thereof be discovered at the Port of Discharge, and be made appear, either by legal Probation from that place, taken before the Dean of Gild, or Merchant Judge, or by the Attestation upon Oath of the Master of the Ship, who Exported the same, and two Merchants of Good Fame, declaring the said unsufficiency, and that the same happened thorow the not right Curing, Making or Packing of the Herring at first; then the Merchant exporter, is to have recourse for the whole Dammage, sustained by the unsufficiency thereof, against the first Maker, or Curer of the saids Herrings: AND FOR RENDERING the said Recourse effectual, all Curers and Makers of Herrings, shall put their own Mark upon their Cask by a Burning Iron, and whatever Herring are Exported without the Markers mark upon the Cask, the Merchants shall have no Recourse for Dammages, through the unsufficiency thereof: and in case any Cask with Herring be shipped for Export, without the said Mark, the respective Visitors who shall make discovery thereof, are hereby Authorized and Impowered to seize and confiscat the same for the Uses foresaids. LIKEAS,

Their Majeſties with Conſent foreſaid, ORDAIN and APPOINT, the ſaids Viſitors for the ſeveral Burghs, to be admitted to that Truſt, upon their taking an Oath *de fideli adminiſtratione*, and finding ſufficient Caution for that effect: and that for their pains therein, they ſhall have ſix ſhilling *Scots* from the Merchant, or Owner, for ilk Laſt, to be marked by them in manner foreſaid AND FARTHER, it is appointed for preventing all Debate that may ariſe betwixt the Viſitors, Merchants and Curers of Herring and Salmond that are ſufficiently Cured, upon pretext that they are not ſufficiently Cured, in that caſe upon any ſuch Difference in Burghs-Royal, the Magiſtrats are to call five honeſt Men, well skilled in Curing of Herring and Salmond, to decide any ſuch Difference; and in Burghs of Regality, and Barony, or Landwart, the Baillie of Regality, or his Deputs, and the Baron or his Baillie reſpectively, is to choice the like number of honeſt Men for that end, and theſe five honeſt Men, are firſt to be ſworn upon Oath, before they proceed to Cognoſce or Decide in any ſuch matter, and the Viſitor ſhall be oblidged to affix their Marks, if theſe honeſt Men ſhall declare them loyally Cured, and that under the Penalty of ten pounds *Scots toties quoties*, and that there be an Act of Court, in preſence of the reſpective Magiſtrats made thereupon; BUT IN REGAIRD of the great diſtance of ſome places on the Weſtern and Northern Coaſts, and Iſles, where Herring are in uſe to be Cured and Packed, from any Burghs Royal where-throw the Viſitors cannot Mark the ſaid Herring, as well and loyally Cured and Packed. THEREFORE IT IS STATUTE AND ORDAINED, that the Exporter of ſuch Herring, who ſhall buy the ſamine from thoſe who Cured them, ſhall be lyable for the unſufficiency of the Cask, and the bad and diſloyal Curing of the Herring, conform to this preſent Act, in the Sum of fourty Pound *ſcots* money of Penalty, for ilk Laſt of the ſaid Exported Herring, which ſhall be found unduly Cured, as ſaid is, and that by legal Probation, or by Atteſtation and Declaration in manner above-mentioned, to be applyed to the behove of the Diſcoverer allannerly; and for the better advancing of the Trade of exporting Salmond-Fiſh, Their Majeſties and Eſtates foreſaids, DO AUTHORIZE AND IMPOWER, the Magiſtrats or Dean of Gild, of ilk Royal-Burrow, to put this Act, and other Acts of Parliament made thereanent, to all due Execution. DECLARING NEVERTHELESS, likeas, it is hereby expreſly provided and declared, that neither this preſent Act, nor any thing therein contained, ſhall prejudge the particular Rights of any Burgh Royal, within this Kingdom, but that the ſamine be reſerved to them, as accords of the Law: And ſicklike declaring, that this Act is, and ſhall be but prejudice to the Powers, and Priviledges, Rights and Juriſdiction of the Court of Admirality.

VI.

VI.

ACT for the taking the Oath of Allegiance and Assurance.

May 23. 1693.

FORASMUCH AS, the Imposing and Taking the Oath of Allegiance, and the Assurance, Enacted in this current Parliament, as hereto subjoyned, will be a further Security to the Protestant Religion, and Their Majesties Government, in this present exigence: Therefore, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that the said Oath of Alleginace be Sworn, and the same with the foresaid Assurance, be subscribed by all Noblemen, and their eldest Sons, being past twenty one years of age, and by all persons in Offices and Places of publick Trust, Civil, Ecclesiastical and Military, *to wit*, by all Members of Parliament, and Electors of Members of Parliament, all Privy Counsellors, all Officers of State and of the Crown, all the Lords of Session, Advocats, and all others Members of the Colledge of Justice, the Lords of Thesaury and Exchequer, Lords of Justiciary, and all Members of these Courts, and all Officers and Members of the Admirality, and all Officers and Members of the Chancellary, Writers and Under-keepers of the Privy Seal, Post-masters and their Clerks, all Commissioners to the Convention of Burrows, and their Clerk and the Servants who officiat under him, and the Agent for the Royal Burrows, the Conservator of the *Scots* priviledges in *Holland*, and the Factors at the Staple-ports, all Collonels, and other Commissionat Officers of the Train-bands, all persons, who are, or shall be Commissioners for Valuation, Re-valuation, or rectifying Valuation of Lands, and all persons having Heretable Offices from the King, not already mentioned in this Act, all preachers and Ministers of the Gospel whatsoever, and all Clerks in Church Judicatories and Precenters, and all Heretors voting in the Calling of Ministers, and all others whatsoever, giving Voice in the said Calling of Ministers, at their Meeting for that effect, all persons in this Kingdom named, or to be named Judges, in Commissions of Justiciary, all Members of the Commission for Valuation of Teinds, and Plantation of Kirks, or other Commissions of Parliament, all Sheriffs, Stewarts, Baillies of Royalities and Regalities, Commissars and their Deputs, Clerks and Fiscals, Justices of Peace, Commissioners for the Supply and Excise, Officers of the Mint, with their Clerks and Fiscals, all Procurators before any of the Courts above-mentioned, all Writers to the Signet, all publick Nottars, and other persons imployed in Writing, or Agenting, the Lyon King at Arms, the Lyon Deput, Heraulds, Macers, Pursevants, and Messengers at Arms and their Clerk, all Chamberlains, Collectors, Farmorers, Tacksmen, Sub-collectors of Their Majesties Crown-rents, Customs, Assessment, Excise, Bishop-rents, Vacant Stipends, or any other Mo-

neys belonging, or that ſhall happen to belong to Their Majeſties, all Surveyers, and Waiters for the Cuſtoms and Exciſe, and Clerks in any of theſe Offices, or Imployments, and Clerks and Cocquets, all Magiſtrats, Deans of Gild with their Council, Theſaurers, Counſellors, and Clerks of Burghs Royal, and of Regality, or ſuch as officiat for them, all Deacons of Trades and Deacon-Conveeners in the ſaid Burghs, and ſuch as have any voice in electing of Deacons of Trades, with all Clerks of Trades, all Jaylors and Keepers of Priſon, and Under-keepers and their Clerks, and all Maſters and Doctors in Univerſities, Colledges, or Schools, and Keepers of publick Libraries, all Chaplains in Families, and Pedagogues, and Governours to Children and Youth, all Officers in the Army, Forts and Garriſons, and all Maſters of Ships and their Mates. All which perſons, and every one of them, ſhall now and in all time coming, publickly Swear the ſaid Oath, and Subſcribe the ſame with the Aſſurance in manner following, *viz.* The Officers of State and of the Crown, and Counſellors before the Secret Council, all Noblemen and their eldeſt Sons, paſt twenty one years of Age, & the chief Commanders of the Forces, before the Secret Council, or ſuch as they ſhall appoint, all the Lords of Seſſion, & all Members of the Colledge of Juſtice and others depending upon them, before the Seſſion, or before the Privy Council, or ſuch as the Lords ſhall appoint, the Lords of Juſticiary, & thoſe depending upon that Court, in the Juſtice Court, the Lords and others Members of the Exchequer, before the Exchequer, the Lord high Admiral & the Judge and other Officers, & Members of the Admirality before the Court of Admirality, all Judges having Commiſſions of Juſticiary, at the firſt Meeting, before they exerce, by vertue of theſe Commiſſions: the Officers and Members of the Chancellory, Writers to, and Under-keepers of the Privy Seal before the Seſſion, or ſuch as the Secret Council ſhall appoint, Commiſſioners to the Convention of Burrows, the Clerk and the Servants who officiat under him, and the Agent for the Burrows, before the Convention of Burrows; The Conſervator before the Convention of Burrows, or ſuch as the Privy Council ſhall appoint: and the Factors at Staple-ports, before the Conſervator in his Court; Members of the Commiſſion for the Valuation of Teinds, and Plantation of Kirks, or of other Commiſſions before thoſe reſpective Commiſſions, Sheriffs, Stewarts, Baillies of Royalties and Regalities, Commiſſars and their Deputs, Clerks and Fiſcals, before theſe reſpective Courts, Juſtices of Peace, Commiſſioners for the Supply and Exciſe before their Conveener, he firſt qualifying himſelf in their Meeting, the General of the Mint, before the Secret Council, and all other Officers of the Mint, before the General thereof; all Advocats and Procurators, before the reſpective Courts to which they belong; All Notars and other perſons imployed in Writing, or Agenting, before the Lords of Seſſion, or ſuch as the Council ſhall appoint; the Lyon King at Arms, before the Secret Council; the Lyon Deput, Heraulds, Purſevants, and Meſſengers at Arms, with the Clerk before the Lyon in his Court; The Macers before the reſpective Courts wherein they ſerve, or before theſe whom the Council ſhall appoint; Chamberlains, Collectors, Farmorers, Tackſmen, and Subcollectors of the Crown-Rents, Cuſtoms, Exciſe, and Biſhop-Rents, Surveyers, Waiters and their Clerks, before the Lords of Theſaury and Exche-

quer

quer, or before whom they ſhall appoint: Collectors of the Supply and Exciſe, before the Commiſſioners of Supply and Exciſe, Magiſtrats, Deans of Gild with their Council, Theſaurers, Counſellours, & Clerks of Burghs royal and Regality, Deacons of Trades, and Deacon-Conveeners, and theſe who have a voice in electing of Deacons of Trades, and Clerks of Trades, before the Council of the Burgh: Officers of the Army, before the Commander in chief, or whom he ſhal appoint: And Officers of Forts before the Secret Council, or ſuch as they ſhal appoint: Maſters of Ships and their Mates, before the Court of Admirality, or ſuch as they ſhall appoint: And all the other Perſons above-ranked, without any ſpecial appointment, before ſuch as the Privy Council ſhal appoint. And Their Majeſties with Conſent foreſaid, Statute and Ordain, that the whole Perſons above-mentioned, ſhal Swear the ſaid Oath, and Subſcribe the ſame, and the Aſſurance in manner forſaid, betwixt and the Twenty day of *June* next: for which end, all the Inferiour Courts, are hereby diſpenſed with, to ſit to the effect foreſaid, excepting Electors of Members of Parliament, and Members of the Commiſſiones above-mentioned, and theſe giving voice in calling of Miniſters; and ſuch as have voice in Electing of Deacons of Trades, who are hereby appointed to take the ſaid Oath, and ſubſcribe the ſame, with the Aſſurance as follows, *viz.* The Electors of Members of Parliament, before they elect, members of commiſſions, before they exerce the commiſſions: and ſuch as have voice in calling of miniſters or electing of Deacons of Trades, before they give voice in calling of Miniſters or electing of Deacons of Trades; and alſo, excepting the Conſervator, & the Factors of the Staple-ports, who are to *Swear* the ſaid Oath, & Subſcribe the ſame, and the Aſſurance, betwixt and the fifteenth day of *Auguſt* next And the ſaid Oath and Aſſurance, Sworn and Subſcribed as above are to be recorded in the Regiſters of the reſpective Courts and Meetings, and the Extracts thereof uuder the Clerks hands, to be reported to their Majeſties Privy Council, under the pain of Deprivation of the Clerk, for ſuch as are appointed to Swear and Subſcribe, betwixt and the twentieth of *June*, to be reported betwixt and the firſt of *Auguſt* next; and for the reſt within twenty days after their ſaid ſwearing and ſubſcribing. And it is further Statute and Ordained, that all Perſons, who ſhall hereafter be advanced to, or imployed in any of the foreſaids Offices, Truſts or Stations, ſhall at their Entry unto, and before their exercing thereof, Swear the ſaid Oath, & Subſcribe the ſame, and the Aſſurance in manner foreſaid, to be Recorded in the Regiſters of the reſpective Courts, and reported to their Majeſties Privy Council, within the ſpace of fourty days after taking of the ſame, and exercing the foreſaids Offices, Truſts, Priviledges and Imployments, which Reports are to be received, and taken in by the Clerks of Privy Council *gratis*. And it is hereby Statute and Ordained, That all Perſons who ſhall obtain any free Gift, or Donations from the Lords of Their Majeſties Privy Council, Theſaury or Exchequer, or ſhall preſent any Signature of Penſion, Remiſſion, or containing a *de novo damus*, or of any other caſuality, except Gifts of Eſcheats, are to take the ſaid Oath and Aſſurance before obtaining the ſaid Gift, or paſſing the ſaid Signature; certifying ſuch of the foreſaids Perſons as are, or ſhall be in any publick Office, Truſt

or Imployment, or who ſhall owne, and exerce the ſame, without taking the ſaid Oath and Aſſurance in manner foreſaid, they ſhall be deprived *ipſo facto* of their ſaid Offices, Truſts and Imployments, and Miniſters provided to Kirks, ſhall be deprived of their Benefices, or Stipends, and Preachers not provided to Kirks, ſhall be puniſhed by Baniſhment, or otherwiſe, as the Councill ſhall think fit; and all the foreſaid Tackſmen ſhall be puniſhed as the Privy Councill ſhall think fit. And further that they and all other Perſons, whether above ranked or not, who ſhall not ſwear the ſaid Oath, and Subſcribe the ſame, and the Aſſurance, ſhall not be allowed to keep any Horſes, above an hundred Merks-price, nor any ſort of Arms, more than a Walking ſword; Certifying, ſuch as ſhall be found to have Horſes and Arms contrare to this Proviſion, either in their own or in the keeping of others, that both the Owner and the Keeper, ſhall incur the Penalty of one Thouſand Merks, the one half to the Informer, and the other to Their Majeſties; And Their Majeſties with conſent foreſaid, Authorizes and Impowers the Lords of Privy Council, to take ſuch further effectual Methods, for Diſarming theſe Perſons, and ſeaſing of their Horſes above the foreſaid value, as they ſhall judge neceſſar; as likeways, they impower the Council to call before them, all, or any Heretors, or other Perſons, whom they ſhall think fit, whether above ranked or not, and to put the ſaid Oath and Aſſurance to them, and in caſe of their Refuſal, to proceed againſt them by Fining, Confining, Impriſonment, or Baniſhment, as they ſhall ſee Cauſe; the Fine if they be Heretors, to be the double of their Ceſs or Supply, and further (if the Council ſhall think fit,) not exceeding a years valued Rent; and for others not Heretors, the third part of their Eſcheatable Goods, by and attour the other Penalties, contained in the thirty eight Act of the ſecond Seſſion of this current Parliament: It is alſo hereby enacted, that the ſaid Oaths of Allegiance and Aſſurance, are in no caſe to be impoſed, or taken ſeverally, but joyntly; declaring hereby, that theſe who refuſe the one, ſhall be holden as refuſing both. And Their Majeſties with Advice foreſaid, recommends to Their Privy Council, to ſee this Act put to a due and vigorous Execution, with all diligence: And it is hereby declared, that the foreſaid general Power granted to the Council, is to endure untill the next Seſſion of Parliament allennerly. And laſtly, it is hereby Provided, that ſuch as have already taken and ſubſcribed the ſaid Oath, and ſubſcribed the Aſſurance, ſhall not be obliged, by vertue hereof to take and ſubſcribe the ſame again in the ſame Capacity.

The Oath of Alledgiance.

I A. B. *Do ſincerely Promiſe and Swear, that I will be Faithfull, and bear true Alledgiance to Their Majeſties, King* WILLIAM *and Queen* MARY; So help me GOD.

The

The Assurance.

I A. B. *Do in the sincerity of my* Heart, *Assert, Acknowledge and Declare that* Their *Majesties King* WILLIAM *and Queen* MARY, *are the only Lawfull undoubted Soveraigns of this* Realm, *as well* de jure, *That is of Right, King and Queen; as* de facto, *That is in the Possession and Exercise of the Government: And therefore, I do sincerely and faithfully Promise and Engage, that I will with* Heart *and* Hand, *Life and Goods, maintain and defend* Their *Majesties* Title *and Government, against the late King* James, *and his Adherents, and all other Enemies, who either by open or secret Attempts, shall disturb or Disquiet* Their *Majesties in the Possession and Exercise thereof.*

VII.

ACT for the Levy.

May 23. 1693.

THE ESTATES OF PARLIAMENT Considering the present Dangers, and that Their Majest s may think it expedient, to Order the Levying of more Forces, for obviating the said Dangers: And being withall most sensible, of the Duty they owe to Their Majesties, for those great and manifold Blessings they enjoy by, and under Their Happy Government; Do for themselves, and in Name and Behalf of Their Majesties good Subjects within this Kingdom, by these presents, Renew the Humble and Hearty Tender of their Lives and Fortunes, for the promoting of Their Majesties Service: And further, in Pursuance of their Duties expressed in the Act of Parliament 1663, Entituled, *An humble Tender to His Sacred Majesty, of the Duty and Loyalty of His antient Kingdom of* Scotland, they do Chearfully Offer to Their Majesties, a present Levy of Two Thousand Nine Hundred and Seventy Nine Foot, to be Levyed off the several Shires and Burghs of this Kingdom, effeiring to Proportions and Numbers set down in the foresaid Act. And to the end, the foresaids Levy may be made effectual, Their Majesties with Advice and Consent of the said Estates of Parliament, Do Order and Appoint the Shires, Stewartries, and Burghs within this Kingdom, to put out and deliver when they shall be thereto Required, and to such Officers, as shall be Commissionat by Their Majesties for that effect, the foresaid Proportions and Numbers which are hereby appointed to be Levyed, according to the Numbers formerly observed in the Militia, and are as follows, *Viz.* The Shires of *Roxburgh* and *Selkirk*, one hundred ninety eight; *Berwick* one hundred and nineteen; the Shire of *Edinburgh*, one hundred and nine teen; *Haddington*, one hundred & nineteen *Peebles*, fourty; *Linlithgow*, fifty; the Town of *Edinburgh*, *Leith* and *Cannongate*, one hundred and nineteen;

Dumfreis onehundred andnineteen; the Shire of *Wigtoun*, fourty five; the Stewartry of *Kirkcudbright*, seventy five; *Air* & *Renfrew* one hundred nine ty eight; *Lanerk*, one hundred fourty nine; *Stirling* and *Clackmannan* one hundred; *Fife* and *Kinross*, two hundred thirty eight; *Perth*, two hundred thirty eight; *Forfar*, one hundred fourty nine; *Kincardin*, and *Marischal*'s part of *Aberdeen*, one hundred and nineteen; the rest of *Aberdeen* Shire and *Bamff*, one hundred fifty nine: *Elgin*, *Nairn*, and this side of *Ross*, one hundred fourty nine; the Earl of *Seaforth* and Lord *Lovat* their Division of *Inverness*, one hundred; *Sutherland*, *Caitness* and the rest of *Inverness*, one hundred and fifty nine; *Argyle*, *Dumbartoun* and *Bute*, one hundred and nineteen; *Orkney* and *Zetland* one hundred; to be divided and modelled into Regiments, as Their Majesties shall think fit, and to be thereafter payed and maintained from the saids Fonds Imposed or to be imposed by this Parliament, for that effect, and that by such Rules of Establishment as Their Majesties shall appoint; which Levies and Proportions, the Commissioners of Suply, which now are, or shall be hereafter in the said Shires and Stewartries, with one or two Magistrats for each Royal Burgh, are hereby fully Impowered to make effectual. And it is hereby Provided, that where the Master and Tennents shall appoint a man one or more to beput out in the said Levies, the said Person or Persons may be seized and secured by the Sheriff of the Shire, or any two or moe of the Commissioners of Suply, or one or two of the Magistrats of the respective Burghs for their Burgh, when ever the said Officer who is to have the said Person or Persons, comes to require them within the Shire. Likeas, the said Commissioners of Supply, with the foresaid Officer, are to Cognosce and Determine upon the sufficiency or insufficiency of them: And in regard, there have been alterations made by the Acts of Parliament, as to the Extent and Bounds of some Shires, since the Act of Parliament one thousand six hundred and sixty three, Their Majesties with Consent foresaid, do Aurhorize and Impower the Lords of Privy Council, to adjust the Proportions of the said Shires, notwithstanding of these Alterations, who are likewise hereby Warranted, to give such other Orders in this matter, as they shall find necessar. And lastly, Their Majesties do hereby graciously Declare, that for a Year and a half after the Date hereof, the Militia of the Countrey, or any part thereof, is not to be called out, or made use of, except in the case of an actual Invasion.

VII

VIII.

ACT against Corresponding with France.

May 23. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties; Considering that this Kingdom being now in a state of War with the *French* King, is in great and imminent Danger from Correspondencies with persons in his Dominions: Do hereby, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that none of the Subjects within this Kingdom, without expres leave from Their Majesties, or their Privy Council, presume to go to the Kingdom of *France*, or any of the Dominions subject to the *French* King, after the first day of *June* next to come; or being already in the said Kingdom of *France*, or Countreys foresaid, presume to Stay or Abide therein, after the first day of *August* next, without expres leave from Their Majesties, or their Privy Council, under the pain of Treason. And further, it is Statute and Ordained, that none of the Subjects of this Kingdom presume, without Authority foresaid, to Correspond, keep Intelligence, or have Commerce by Letters, with any person residing within the said Kingdom, or Dominions, after the Date hereof, under the pain of being punished as Correspondes with declared Traitors; And that this Act continue and stand in force during this War, and no longer: As also, that it be without any Prejudice of any former Acts made against Treason or Treasonable Correspondencies, or the Punishment of such as have already incurred the Pains thereof.

IX.

ACT for Pole-money.

May 29. 1693.

THE ESTATES OF PARLIAMENT taking to their Consideration, that the Arrears due to the Countrey and Army, preceeding the first day of *February* one thousand six hundred ninety one, are not as yet payed, by the Fonds appointed in the former Session of this Parliament, And that it is most Just that the same be duely and truely payed. THEREFORE, in order to the said payment, *viz.* That the foresaid Arrears due to the Countrey, may be payed in the first Place; and then the Arrears due to the Forces,

in ſuch manner, as that all Officers, Regiments and Troops, may be firſt brought up to an equal Foot, and thereafter compleated: and that what remains thereof, may be diſpoſed of, as Their MAJESTIES ſhall think fit, do freely and cheerfully offer the Pole-mony following: And for making the ſame effectual, Their MAJESTIES, with Advice and Conſent of the ſaid Eſtates, STATUTE and ORDAIN, that all perſons of whatſoever Age, Sex, or Quality, ſhall be ſubject and lyable to the Pole of ſix ſhilling *Scots per* Head, except poor perſons who live upon Charity, and the Children under the age of ſixteen years, and *in familia* of all theſe perſons, whoſe Pole is one ponnd ten ſhilling *ſcots*, or under the ſame. That beſide the ſaid ſix ſhilling *ſcots* impoſed upon all, the perſons that are not excepted, a Cotter having a Trade, ſhall pay ſix ſhilling *ſcots* more, making in the whole, twelve ſhilling *ſcots* for every ſuch Cotter. That all Servants, that receive more than ſix pounds *ſcots* of yearly Fee, in Money, or otherways, ſhall pay the twentieth part of the ſaid Fee, including the ſix ſhilling *ſcots* of general Pole, which is to be impoſed upon all perſons that are not above excepted. That all Tennents pay in name of Pole to the King, a Merk, for each hundred Merks of the Maſters valued Rent, effeiring to their reſpective Rents, including the foreſaid ſix ſhilling of general Pole; and appoints the Maſter of the Ground, to Adjuſt the Proportions of the Pole-money amongſt the ſeveral Tennents, according to their reſpective Duties, payable by them in money, or Victual, effeiring to his valued Rent. For which Pole, all Pole-money heretofore appointed to be payed by Tennents to their Maſters, is hereby expreſly diſcharged, and the Act or Acts thereanent reſcinded. That Tradſemen inhabiting within any Burgh, whether of Royalty, Regality, or Barony, whoſe free Stock and Means is above an hundred merks, and does not extend to five hundred merks, be ſubject to a merk *ſcots*, including the foreſaid ſix ſhilling of general Pole. That all Tradſemen living within any of the ſaids Burghs, whoſe free Stock and means extends to five hundred merks, ſhall be ſubject and lyable to one pound ten ſhilling, including the foreſaid ſix ſhilling of general Pole. That all Merchants or Shop-keepers, and Tradſemen Inhabitants within any of the ſaids Burghs, whoſe free Stock and Means is above five hundred Merks, and does not extend to five thouſand Merks, ſhall be ſubject and lyable to two pound ten ſhilling of Pole-money, including *ut ſupra*. And that thoſe whoſe free Stock and Means is above five thouſand Merks, and does not extend to ten thouſand Merks, ſhall be lyable in four pound, including *ut ſupra*. That all Merchants, Shop-keepers, Chapmen and Tradſemen, Inhabitants within any of the ſaids Burghs, or elſe-where, whoſe free Eſtate and Stock does extend to, or is above ten thouſand Merks in worth and value, ſhall be ſubject and lyable to ten pounds of Pole-money, including *ut ſupra*. That all Gentlemen ſo Holden and Repute, and owning themſelves to be ſuch, and who will not renunce any pretence they have to be ſuch, ſhall be ſubject and lyable to three pounds of Pole-money, if they be not otherways Claſſed, and upon another conſideration made ſubject to a greater Pole, the ſaid three pounds always including the general Pole of ſix ſhilling, *ut ſupra*. That all Heretors above fifty pounds, and under two hundred pounds of valued Rent

Rent, be ſubject and lyable to four pound of Pole-money, including *ut ſupra.* That all Heretors above two hundred pounds *ſcots*, and under five hundred pound of valued Rent, be lyable to nine pound of Pole-money, including *ut ſupra.* That all Heretors of five hundred pounds of valued Rent, or above the ſame, and under one thouſand pounds of valued Rend, be ſubject and lyable to twelve pounds *ſcots* of Pole-money, includiug *ut ſupra.* That all Heretors of one thouſand pounds of valued Rent, or above the ſame, and all Knight Baronets, and Knights, be ſubject and lyable to twenty four pounds of Pole-money, including *ut ſupra.* That all Lords pay fourty pounds of Pole-money, including *ut ſupra.* That all Viſcounts pay fifty pounds of Pole-money, including *ut ſupra.* That all Earls pay ſixty pounds of Pole-money, including *ut ſupra.* That all Marqueſſes pay fourſcore pounds of Pole-money, including *ut ſupra.* That all Dukes pay one hundred pounds, including *ut ſupra.* That the Sons of Noblemen pay according to their Rank. *viz.* All Dukes eldeſt Sons as Marqueſſes, and their younger Sons as Earls. All Marqueſſes eldeſt Sons as Earls, and their younger Sons as Viſcounts. All Earls eldeſt Sons as Viſcounts, and the younger Sons, ſhall be lyable in twenty four pounds of Pole. All viſcounts and Lords Sons in twenty four pounds. And that all Noblemens Daughters unmarried, and *foris-familiat*, ſhall be lyable in the third of the Pole of their eldeſt Brothers. That all Widows, whoſe Husbands would have been lyable to one pound ten ſhilling of Pole-mony, or above, are to be ſubject and lyable to the third part of their Husbands Pole, except Heireſſes, who ſhal be ſubject to the ſame Pole their Predeceſſor would have been. That all Gentlewomen never married, and *foris familiat*, or provided, and in poſſeſſion of their Eſtate, ſhall be ſubject and lyable in the third part of their eldeſt Brothers Pole. That all Nattars and Procurators before inferior Courts, and Meſſengers at Arms, are to be ſubject and lyable to four pounds of Pole-money, including *ut ſupra.* That all Writers not to the Signet, Agents and Clerks of inferior Courts, and Macers, ſhall pay ſix pounds of Pole-money, including *ut ſupra.* That all Writers to the Signet, Clerks of ſoveraign Courts, all Advocats, Sheriffs and their Deputs, Commiſſars and their Deputs, and Doctors of Phyſick, ſhal pay twenty four pounds of Pole-money, including *ur ſupra.* That all Miniſters having Benefices, or Stipends, and Paroch Kirks not planted, ſhal pay twelve pounds of Pole. That all Officers of the Army, ſhall be lyable in a days pay for their Pole. That all perſons who are to pay the ſaid reſpective Poles, though they be poled in different Capacities, are only to pay once at the greateſt Rate. And for the better ſtating, Ordering, and uplifting the ſaid Pole-money, Their MAJESTIES, with Conſent foreſaid STATUTE and ORDAIN, that the Commiſſioners of Aſſeſſment, or their *Quorum*, ſhall Meet and Conveen at the ordinar place of their Meeting upon the ſecond *Tueſday* of *Auguſt*, one thouſand ſix hundred ninety four, and there ſhall divide the whole Commiſſioners, whether preſent or abſent, into ſuch Diviſions as they ſhall think fit: Appointing Paroches, one or more; for Commiſſioners, one or more as they ſhall ſee convenient, to meet the laſt *Tueſday* of the ſaid Month of *Auguſt*, at the reſpective places to be appointed, Impowering the ſaids Commiſſioners, to

take up Rolls and Lists, of all the poleable persons within the respective Bounds appointed to them, containing the Names, Qualities and Degrees of the several persons, and of the value of the Estates belonging to them, conform to the said Act: and ordains the Magistrats of Burghs Royal, to meet the third *Tuesday* of the said Month of *August*, and to take up Rolls and Lists, of all the poleable persons within their respective Burghs, containing their Names, Qualities, and Degrees and the Value of their Estates. And which Commissioners and Magistrats of Burghs, are to give Intimation at the Kirk-door, upon a *Sunday* upon three days Warning, at least to the persons to be poled, to compear before them at the Paroch-Church to give up their Names, Qualities, Degrees and Valuas of their Estate, to the effect, the respective Poles may be stated, and set down by the said Commissioner or Commissioners of Assessment, or Magistrats of Burghs *respective*. And which Rolls, the saids persons are to give up, or send under their Hand if they can write: Otherwise if they cannot write, their Name, Quality, Degree and Estate, shall be marked by the Clerk, as they give it up, excepting Tennents, whose Names, and the Pole-money payable by them, shall be given up, or sent by their Masters under their Hand, with Certification, that such as do not compear, or send under their Hands their Names, Qualities, and Value of their Estate, or do give up their Quality, Degree, or value of their Estate, otherways than it should be, they shall be lyable in the quadruple of their Pole, the equal half whereof shall belong to the Informer, who shall make the same appear. And which Lists and Rolls, being so made up within the respective Sub-divisions shall be Recorded and Booked in a Register of the Shire, or Burgh, for that purpose: whereof there shall be an Abstract sent to the Lords of the Thesaury, betwixt and the first of *October* one thousand six hundred ninety four, containing the Number of the Persons in the several Classes and Ranks above-specified, with the extent of their Pole. And Their Majesties, with Advice and Consent of the said Estates, do Ordain the foresaid Pole-money to be payed, at, or before the Term of *Martinmass*, one thousand six hundred ninety four: And requires the Commissioners of Assessment, and Magistrats of Burghs, to cause Intimation to be made for the payment thereof, at the Kirk-doors of the several Paroch-Kirks, upon the first *Sunday* of *October* one thousand six hundred ninety four: Certifying such as shal not make punctual payment at the said Term of *Martinmass* one thousand six hundred ninety four, they shall be lyable in the quadruple of their Pole, and Ordains Execution to be used against them for the same, by poynding of their readiest Goods, or imprisoning their Persons. Likeas, Their Majesties, with Advice and Consent foresaid, hereby Impowers the Lords of Privy Council, to Order and Appoint such further Methods and Courses, as they shall judge fit, for Stating and In-bringing of the Pole-money aforesaid; and to allow out of the said Pole-money, such Charges and Expenses, as shall be necessary for Execution of this Act, And their Majesties and Estates foresaid, do hereby strictly Appropriat, Destine and Appoint the Sums to be raised by this Act, for the ends and use above-specified, *viz.* for payment of the foresaid Arrears due to the Country and the Army, in Manner, and in the Order above-mentioned, and the Remainder

mainder to be disposed of by Their Majesties. And hereby prohibits and discharges, the applying thereof to any other use whatsever; Certifying such as shall either give Orders for misapplying thereof, or intromet with the same. The Misapplyers and receivers thereof, shall be lyable, Conjunctly and severally in the double thereof, at the instance of any Party concerned, and their privat Estates subject and lyable, for the double of that which shall be so misapplyed. And further, it is hereby Declared, that where the Arrears due to the Countrey by the Forces, shall be first duely stated, for any Burgh or Shire, conform to the Orders and Rules set down thereanent. The Burgh or Shire to whom the said Arrears shall be found due, shall have Retention, and get a Discharge of their Pole-mony, in satisfaction of their said Arrears: and the Declaration of the said Burgh or Shire, getting the said Retention, shall be sufficient for the Collectors Exoneration: and the Commissioners of Supply, and Magistrats of the foresaid Shires and Burghs *respective*, are hereby impowered, to distribute and proportion the said Pole mony, retained to the persons there Inhabitants, conform to their Interest in the said Arrears. And where the Arrears due to any Shire or Burgh exceeds the Pole-money, due by the said Burgh and Shire; Then, and in that Case, the *superplus* shall be ordered to be payed by the Lords of the Thesaury, out of the Pole due, & brought in from other places, with regaird alwise to the total of these Arrears, and the total of the said Pole-money; so that if the total of the Arrears shal exceed the total of the Pole, the foresaid *superplus* shall only be payable, and payed proportionably: and the Lords of Privy Council, are hereby fully impowered, to Decide and Determine finally, all Questions and Difficulties hereby undetermined, that may arise anent the Premisses. And lastly, it is hereby declared, that no persons lyable in payment of this Pole, shall be holden to produce their Discharges, or Receipts of the same, after the Term of *Martinmass*, one thousand six hundred ninety seven years

X.

ACT ordering Quartering for the Bishops-Rents in the bounds of the Synod of Argyle *and the* Isles.

May 29. 1693.

OUR SOVERAIGN LORD and LADY, Considering, that several of the Inhabitants within the Bounds of the Synod of *Argyle* and the *Isles*, are very refractory in paying to the Chamberlains and Factors, these Rents which were formerly payable to the Bishops of *Argyle* and the *Isles*, and now to Their Majesties, and that the distance and unaccessibleness of these Lands, renders legal Executions not only difficult, but ineffectual for in-bringing of these Rents. Therefore, Their Majesties with

Advice and Conſent of the Eſtates of Parliament, Statute, Ordain, and Warrand the Factor and Chamberlains, preſent, and to come, to quarter for their ſaids Rents, on ſuch as ſhall delay to pay in due time, in the ſame manner as quartering is allowed by Law, for Ceſs and other publick Dues: And the Commander in chief is hereby appointed to give Parties, when required for that effect. And Ordains this Act to endure until the next Seſſion of Parliament.

XI.

ACT Adjourning the Seſſion until the firſt of November, 1693.

May 30. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering, That the ſitting of the Parliament, began the eighteenth day of *April* laſt, may continue for ſome days in *June* next, whereby the Leidges cannot attend the Summer Seſſion without great Inconvenience, Do therefore, with Advice and Conſent of the Eſtates of Parliament, Adjourn the Meeting of the Seſſion, which ſhould be in courſe the firſt of *June* next, to the firſt of *November* next, continuing all Actions and Cauſes, depending before the Lords of Seſſion, to the ſaid firſt of *November*; And Their Majeſties diſpenſe in the mean time with the ſitting of all Inferiour Courts, as if the Seſſion had not been adjourned; And further Declare, that the time and ſpace to run betwixt the ſaid firſt of *June* and the firſt of *November*, ſhall not be reckoned in any ſhort Preſcription; As likewiſe that Summons for the ſecond Dyet may be given, at any time in the ſaid Space, as they might had been given during the Summer-Seſſion, if it had ſitten. And Ordains theſe preſents to be publiſhed at the Mercat-croſs of *Edinburgh*, and to be Printed, that the Leidges may have notice thereof.

XII.

ACT concerning Citations to the first and second Dyet.

May 30. 1693.

THeir Majesties with Advice and Consent of the Estates of Parliament, for the greater Dispatch and Facilitating of Processes, do hereby rescind that Clause in the Act of Parliament 1672. Intituled, *Act discharging second Summonds*, which requires the second Citation to be given after the elapsing of the first Dyet of Compearance: And declare, that in all time coming, it shall be lawful to give Citation for the first and second Dyet of Compearance, at one and the same time, providing the same be done by a Messenger at Arms, as was the use of Summons for the second Dyet, And further, it is hereby expressly provided, that all Copies of Summons, Charges, Inhibitions, Arrestments, or other Letters whatsoever given to the Party, shall bear at length, and not in Figures, the Day and Date of the delivery thereof, as also the Names and Designations of the Witnesses in such sort as the Execution and Indorsation did, and doth bear, the same; Certifying the Messenger who shall omit to insert the said Day and Date, and Witnesses in his Copy, that he shall incur Deprivation and Tinsel of his Office.

XIII.

ACT concerning the Preference of Real-Rights.

May 30. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, for the better clearing and determining of Competitions and Preferences of Real-Rights and Infestments, Do hereby with Advice and Consent of the Estates of Parliament, Enact, Statute and Declare, that all Infestments, whether of Property of Annual-rent, or other Real Rights, whereupon Seasins for hereafter shall be taken, shall in all Competitions be preferable, and preferred according to the Date and Priority of the Registrations of the Seasins, without respect to the Distinctions of Base and Publick Infestments, or of being cled with Possession, or not cled with Possession in all time coming.

XIV.

ACT concerning the Regiſter.

May 30. 1693.

OUR SOVERAIGN LORD and LADY, The King and Queens Majeſties, Conſidering, that the many good Acts appointing Regiſters of Seaſins, Reverſions, Hornings, Inhibitions, Interdictions, Allowances of Appryſings or Adjudications, that Purchaſers and Creditors might know with whom they might ſafely Contract, have been much fruſtrated by the Keepers of the Regiſters, not inſerting the ſame in the Regiſters at the time, and in the Order they were preſented to them whereby none could know by Inſpection of the Regiſters, what Writs appointed to be regiſtrat were in the hands of the Keepers of the Regiſters and thereby could not ſecurely bargain: For Remeed whereof, Their Majeſties with Advice and Conſent of the Eſtates of Parliament, Do Statute and Ordain, that all the Keepers of the ſaids Regiſters, ſhall keep Minut-books, of all Writs preſented to them, to be regiſtrat in their ſeveral Regiſters, expreſſing the Day and Hour when, and the Names and Deſignations of the Perſons, by whom the ſaids Writs ſhall be preſented, and that the ſaid Minut be immediatly ſigned by the Preſenter of the Writ, and alſo by the Keeper, and patent to all the Leidges, who ſhall deſire Inſpection of it *gratis*: And that the Writs ſhall be regiſtrat exactly, conform to the Order of the ſaid Minut-book, all under the pain of Deprivation of the Keeper of the Regiſter. And further, Their Majeſties with conſent foreſaid, Declare the ſaids Keepers not obſerving the Premiſſes, lyable to the Damage of the Parties prejudged, by the not due obſerving of this preſent Act.

XV.

ACT for ſummar Regiſtrations and diſcharging Transferrings active.

May 30. 1693.

OUR SOVERAIGN LORD and LADY, the The King and Queens Majeſties, with Advice and Conſent of the Eſtates of Parliament, Statute and Declare, that all Writs regiſtrable, may be Regiſtrat after the Death of the Creditor, at the Inſtance of his Heir, Executor, or Aſſigney, as well as of before; And that upon production of a Service or retour, in the Caſe of Bonds or other Writs, Heretable, or a Confirmed Teſtament, containing the Bond or other Writ, in caſe they be Moveable, or of a ſpecial Aſſignation though not intimat in the caſe of either; Which Regiſtration ſhall have the

the ſame effect both as to probation and ſummar Execution, as if the Creditor were ſtill on Life: And further, it is Statute, that if it ſhall happen the Purſuer to deceaſe at any time, during the Dependence of any Proceſs, raiſed at his inſtance, there ſhall be no need for hereafter for his Heir, Executor or Aſſigney, to raiſe and obtain a Transferring *Active*; but the ſaid Heir, Executor or Aſſigney, is hereby allowed upon production of his Service or Retour, confirmed Teſtament, or ſpecial Aſſignation, though not intimat to inſiſt in the principal Cauſe; Sicklike in all reſpects, as the Purſuer at whoſe inſtance the proces was raiſed, might do if he were ſtill on life, but prejudice to Transferrings *paſſive*, conform to the former Practique as accords.

XVI.

ACT Explanatory anent the Additional Exciſe.

June 7. 1693.

THE King and Queens Majeſties, with conſent of the Eſtates of Parliament, Do Declare, that the Additional Exciſe of three pennies on the Pint of Liquors made of Malt: Is to be underſtood, of all that ſhall be Vended and Sold, after the firſt of *June* inſtant, whether brewed before that time, or after, or brewed within the Kingdom, or without the ſame, excepting Mum-bear allannerly.

XVII.

ACT anent adviſing concluded Cauſes:

June 7. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering, that by the 16 *Act.* 3 *Seſſ.* 2 *Parl.* K: *Char.* 2. *Concerning the Regulation of Judicatures*: All concluded Cauſes are appointed to be Inrolled in a particular Roll, and Called every *Saturnday*, which hath not been found ſufficient to bring them to a ſpeedy Iſſue, albeit they ought to have the greateſt Diſpatch: Therefore, and to the effect that concluded Cauſes may have ſpeedy Diſpatch, Their Majeſties with Advice and Conſent of the Eſtates of Parliament, Do Ordain the Lords of Seſſion to adviſe ſummarly all Depoſitions of Parties which ſhal

be marked by the Lord Examinator, to be clearly Affirmative or Negative; and further, Appoints the ſaids Lords to Nominat an Auditor Weekly, for hearing of Parties upon concluded Cauſes, conform to the Order of the Roll thereof, who ſhall make a Report in Writ of the Probation, and mark the particular parts of the Oaths or Writs inſiſted on for either Party; which Report ſo prepared, is to ly a Week in the Clerk of the Proceſs hands before adviſing, and be patent during that ſpace to all Parties having Intereſt, and then to be brought in to the ſaids Lords, who are hereby Ordained to Adviſe the ſame each *Saturnday*; and alſo each Afternoon of other days as they ſhall think fit to meet, until the ſaid Roll be brought up, to the effect, that for hereafter, Cauſes concluded may be brought to a preſent Determination.

XVIII.

ACT anent the Signing of Interlocutors immediatly after Voting.

June 7. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering, the great delay of Juſtice, and Expenſes ſuſtained by the Liedges, and the Trouble that the Lords of Seſſion are often put to, by miſtakes that ariſe from the Method or Wording and Writing Interlocutors. For Remeed whereof, Their Majeſties with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, that in all Points to be voted by the Lords of Seſſion hereafter, the Queſtion being ſtated ſhall be firſt writen by the Clerk *in mundo*, as it ſhall be agreed to by the Lords, and read immediatly before they go to the Vote, and preſently after voting, at leaſt at that Dyet, that the Interlocutor be written by the Clerk upon the Proceſs, and Read, and Signed by the Lord Chancellor or Preſident for the time, before a *Quorum* of the Lords ſiting in Judgement, declaring all Interlocutors, and the Minuts of definitive Sentences, which ſhall not be written and ſigned in manner above-mentioned, ſhall be null and void, and the Writte and Signer thereof, ſhall incur the pain of Deprivation.

XIX.

XIX.

ACT anent the Lords ſitting in the Outter-Houſe by Turns.

June 7. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, conſidering, how fit it is, that every one of the Lords of Seſſion, ſhould by himſelf Exerce the Truſt repoſed in him; Therefore, They with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, that every one of the ſaids Lords ſhall in perſon ſit his Week in the Outter-Houſe, for determining of Cauſes, as the ſame ſhall fall out by Turns, without imploying of any other to ſit for him, unleſs he be excuſed by the haill Lords, upon Sickneſs, or ſome other neceſſar or reaſonable Account; In which caſe, he is hereby appointed to ſit, and adminiſter Juſtice in the Outter-houſe the firſt Week, after he ſhall return to the Houſe again: Certifying hereby ſuch of the ſaids Lords, as ſhall not ſit their Week in the Outter-houſe, as it ſhall fall out by Turns, without an Excuſe from the haill Lords, or being excuſed, ſhall not ſit the firſt Week after they ſhall return to the Houſe, they ſhall loſe their Sallary for that Seſſion, which is hereby appointed to accreſs to the Common-ſtock belonging to the ſaids Lords.

XX.

ACT anent Advocats their ſubſcribing of the Minuts of Debate.

June 7. 1693.

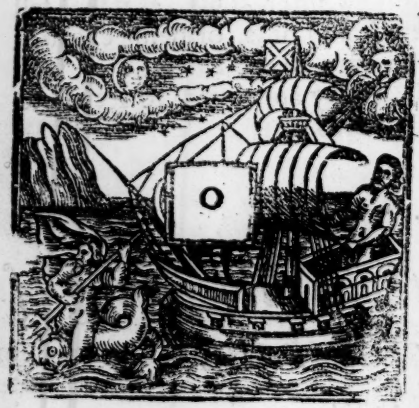
OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering the great Trouble and Expenſes the Liedges are put to in the rectifying the Miſtakes that fall out in the reporting of Cauſes, either by the inadvertancy of the Reporter, or Negligence of the Clerk, who minuted the Debate. For remeed whereof, Their Majeſties with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, that the Clerk of Proceſs ſhall make the Minuts at the ſight of one of the Procurators for ilk Party, allowing the reſpective Procurators to make their Alledgances as they think fit, which Minuts

ſhall be ſubſcribed by the ſaids reſrective Procurators, and by the Lord Reporter, with Certification, that ſuch of the Advocats, who ſhall not concur to take up the Minuts, being required thereto by the Lord Reporter, that they ſhall be debarred from the Houſe the ſpace of a Month. And further, the Lord Reporter, is hereby allowed to proceed upon the Minuts to be made up by the Clerk, and the Procurator for the other Party at his ſight: Declaring likeways, that the Act or Decreet following upon the ſaid Report, ſhall be holden as done *in foro.*

XXI.

ACT anent the Lord Ordinar his not leaving the Outer-Bench.

June 7. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering, that the Impartial Procedure of a Supreme Court, Requires that every one of the Judges thereof ſhould conſtantly attend that part of the Adminiſtration of Juſtice committed to him during the time appointed for his Turn. Therefore, Their Majeſties with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, That the Lord whoſe Turn it is to Sit and Adminiſter Juſtice as Ordinar in the Outter-Houſe for a Week, ſhall go to the Outter-houſe-Bench, as ſoon as his Reports are over, if he have any, and ſhall Sit there till Twelve a Clock, Adminiſtring Juſtice; Certifying ſuch of the Lords, as ſhall either ſtay in the Inner-houſe after their Reports are over, when other Buſineſs come to be Adviſed, or ſhall return from the Outter-bench to the Inner-houſe, and Reaſon and Vote in matters depending before the Inner-houſe, it ſhall be a ſufficient ground of Declinator againſt them, competent to any of the Parties that ſuſpects them of Partiality; Declaring always, that this Act does not extend to the laſt Week of the Seſſion.

XXII.

XXIII.

ACT for Settling the Quiet and Peace of the Church.

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Ratifie, Approve, and perpetually Confirm the fifth Act of the second Session of this current Parliament, Intituled, *Act Ratifying the Confession of Faith, and Settling Presbyterian Church-Government*, in the whole Heads, Articles, and Clauses thereof; And Do further Statute and Ordain, That no person be admitted, or continued for hereafter, to be a Minister or Preacher, within this Church, unless that he having first taken and subscribed the Oath of Alledgiance, and Subscribed the Assurance in manner appointed by another Act of this present Session of Parliament, made thereanent: Do also subscribe the *Confession of Faith*, Ratified in the foresaid 5 Act of the second Session of this Parliament, Declaring the same to be the Confession of his Faith, and that he owns the Doctrine therein contained, to be the true Doctrine which he will constantly adhere to: As likewise, that he owns and acknowledges Presbyterian Church Government, as settled by the foresaid fifth Act of the second Session of this Parliament, to be the only Government of this Church, and that he will submit thereto, and concur therewith, and never endeavour, directly or indirectly, the prejudice, or subversion thereof. And their Majesties with Advice and Consent foresaid, Statute and Ordain, That Uniformity of Worship, and of the administration of all publick Ordinances within this Church be observed by all the saids Ministers and Preachers, as the samen are at present performed, and allowed therein, or shall be hereafter declared by the Authority of the same, & that no Minister or Preacher be admitted or continued for hereafter, unless that he subscribe to observe, and do actually observe the foresaid Uniformity: And for the more effectual settling the Quiet and Peace of this Church, the Estates of Parliament do hereby make a humble Address to their Majesties, that they would be pleased to call a General Assembly, for the ordering the Affairs of the Church, and to the end that all the present Ministers possessing Churches, not yet admitted to the Exercise of the foresaid Church-Government, conform to the said Act, and who shall qualifie themselves in manner foresaid, and shall apply to the said Assembly, or the other Church Judicatures competent, in an orderly way, each man for himself, be received to partake with them in the Government thereof: Certifying such as shal not qualifie themselves, and apply to the said Assembly, or other Judicatures, within the space of thirty days after meeting of the said first Assembly, in manner foresaid, that they may be deposed by the Sentence of the said Assembly and other Judicatures *tam ab officio, quam a beneficio*; and withall Declaring, That if any of the saids Ministers who have not been hitherto received into the Government of the Church, shall offer to qualifie themselves, and to apply in manner foresaid, they shall have Their Majesties full Protection, ay and while they shall be admitted, and received in manner foresaid; Providing always that this Act, and the benefite thereof, shall no ways be extended to such of the said Ministers as are Scandalous, Erronious, Negligent, or Insufficient, and against whom the same shall be verified, within the space

of thirty days after the ſaid Application; but theſe and all others in like manner Guilty, are hereby declared to be lyable and ſubject to the Power and Cenſure of the Church as accords: And to the effect, that the Repreſentation of this Church, in its General Aſſemblies, may be the more equal in all time coming, recommends it to the firſt Aſſembly that ſhall be called, to appoint Miniſters to be ſent as Commiſſioners from every Presbytry, not in equal Numbers, which is manifeſtly unequal where Presbyteries are ſo; but in a due Proportion to the Churches & Parochins within every Presbytry, as they ſhall judge convenient; And it is hereby Declared, That all School-Maſters, and Teachers of Youth in Schools, are, & ſhall be lyable to the Tryal, Judgment and Cenſure of the Presbyries of the Bounds for their Sufficiency, Qualifications and Deportment in the ſaid Office. And laſtly, Their Majeſties with Advice and Conſent foreſaid, do hereby Statute and Ordain, that the Lords of their Majeſties Privy Council, and all other Magiſtrats, Judges, and Officers of Juſtice, give all due Aſſiſtance for making the Sentences and Cenſures of the Church, and Judicatures thereof to be obyed, or otherways effectual as accords.

XXIV.

ACT Renewing the Commiſſion for Plantation of Kirks, and Valuation of Teinds.

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering, That by the thirtieth Act of the ſecond Seſſion of this current Parliament, there was Commiſſion granted for Plantation of Kirks, and Valuation of Teinds, which not being as yet made effectual. Therefore, the King and Queens Majeſties, with Advice and Conſent of the Eſtates of Parliament, Ratifies and Renews the ſaid Commiſſion, with the whole Power thereby granted to the Commiſſioners therein named, with three to be added of every Eſtate by their Majeſties Nomination, making in all thirty ſix, beſides the Officers of State, who are ſupernumerary, and any twelve of them to be a *Quorum*, whereof two of every Eſtate, with one of the Officers of State; and Confirms the whole Tenor and effect of the foreſaid Commiſſion, in manner, and to the end ſpecified in the ſaid Act, with this Addition. That whereas, there is a great difference as to Teinds, whereof the Right has never come in the perſon of the Heretor of the Lands; and thoſe Teinds, whereof the Right has come in the perſon of the Heretor, and the Lands thereafter ſold, or feued out by the Heretor reſerving the Teinds, or where the Teinds are not diſponed, and that in ſuch a caſe, the Heretor who ſold or feued out the Lands, ſhould no more be obliged to ſell thoſe Teinds, than a Superior or other Heretor, can be obliged to ſell his Feu-duties, or any other Right of Property that he has reſerved, when he ſold or feued out the Lands. Therefore, it is Statute and Ordained, that this Commiſſion ſhall not be extended, as to the ſelling or buying of ſuch Teinds, whereof the Right has once been in the perſon of the Heretor of the Lands: and which Lands, were thereafter ſold or feued out by the Heretor with the Re-

Reservation of the Right of the Teinds, or without disponing of the said Teinds, without prejudice always to the Vassal, or Heretor of the Lands to value these Teinds in the terms of the said Act and Commission, and only be lyable thereafter, for payment of the valued Duties. As also, it is Declared, that the said Commission, shall not be extended to the buying or selling of Teinds, which formerly pertain'd to Bishops, and now belong to their Majesties by the abolition of Prelacy, so long as the said Teinds shall remain in their Majesties hands undisponed: nor to Teinds belonging to Colledges and Hospitals, or mortified or destinate for pious uses, without prejudice to value the saids Teinds conform to the foresaid Act, and be only lyable thereafter for payment of the valued Duties. And because the buying of Teinds in favours of Heretors, hath been much hindred by Patrons, Titulars and Tacksmen of Teinds, their offering to allocat the Teinds of the Heretor, pursuing for a Sale after Citation given. It is hereby Statute and Ordained, that after Citation, it shall not be in the power of the foresaid Patrons, Titulars or Tacksmen, to make any allocation of the Pursuers Teinds solely, but only proportionally of his and the other Teinds, within the Paroch, and within his Right, excepting always, that the Teinds of the Lands, belonging in property to the said Patron, Titular or Tacksman shall be free of any part of the said Allocation, if there be sufficient Teind beside. And whereas many times Heretors intends Action for the Valuation of their Teinds against the Titulars, and others having Right thereto, of design only, that upon pretence of a depending Action for Valuation, they may get a warrand for leading of their own Teinds, and thereafter suffers the Action for Valuation to ly over, and does not insist therein, by which the Titulars and others having Right to the Teinds, are exceedingly prejudged. For Remeed whereof, it is Statute and Ordained that any Warrand to be granted hereafter, by the Commission to Heretors, for leading of their Teinds, shall endure only until a Protestation for not insisting be obtained, at the instance of the Defender: and it being fit and convenient, that the time of the sitting of the Commission, be limited and fixed to a time, that the Leidges may not be obliged to an uncertain Attendance. Therefore it is Statute and Ordained, that the Commission shall meet, and sit down the first *Wednesday* after the sitting down of the Session, and thereafter shall meet every *Wednesday* weekly in the Afternoon, during the sitting of the Session, till the first *Wednesday* after the rising thereof *Inclusive*; and so to continue their Meetings yearly, during the standing of this Commission: but declares that the Commission shall not meet in the Vacance time, after the first *Wednesday* next, and immediatly following the rising of the Session. Nor is the Commission to meet upon any other days, or any other Dyets, than is allowed by this present Act. And the first Dyet of Meeting of the said Commission, shal be the first *Wednesday* of *November* in this instant year, one thousand six hundred ninety three. And seing it is very inconvenient for Parties, Advocats, and others, to attend the Commission at the lower Town-Council-house where the Commission has been ordinarly in use to sit, these years bypast Therefore Ordains the Commission to sit in the Inner-house, where Parties, Advocats and all others concerned, may the more conveniently attend. And Their Majesties Declare, that they

they will fill the places of any of the Commissioners that are deceased, or advanced to another state, or shall happen to die, or be advanced to another State during the standing of this Commission, with other persons sufficiently qualified, whose Oaths, for the faithful discharging of their Offices, shall be taken by the Lord Chancellor, and in his absence, by the President of the Commission for the time.

XXV.

ACT *anent the Term of* Whitsunday.

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens MAJESTIES, with Advice and Consent of the Estates of Parliament, for further clearing the thirty ninth Act of the second Session of this Current Parliament, Statute and Declare, that the fifteenth day of *May*, was since the date of the foresaid Act, and shall be in all time coming, in place of the former Term of *Whitsunday*, to all Effects whatsoever, as well as to Removings.

XXVI.

ACT *Anent Parsonages.*

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, that by the twenty third Act of the second Session of this Current Parliament, concerning Patronages. *It* is Statute and Declared, that the Right of the Teinds of Paroches, whereof Patrons had formerly the Presentation by that Act abolished; and which Teinds are not heretably disponed, should, by vertue of that Act, belong to the Patrons, with the Burden always of the Ministers Stipends, and others therein expreſt. And that it is just and reasonable, that the said Benefit should be extended to the Patrons of all Parsonages, and other Benefices without Exception. Do therefore, with advice and Consent of the Estates of Parliament, Statute, Ordain and Declare, that the foresaid Right of the Teinds granted to Patrons, as said is, shall be extended to the Teinds of all Parsonages, and other Benefices; and that the same shall belong to the Patrons, with the Burden specified in the said Act; and further with the Burden of Provisions, to two Ministers in one Paroch, if the Commission shall

ſhall think fit: Providing always, that where the Beneficed perſon being a Miniſter, having a Cure, is in poſſeſſion of the foreſaids Teinds as Titular thereof, he ſhall continue and remain in the poſſeſſion thereof, ay and while the foreſaid Patron ſhall obtain a juſt and reaſonable Stipend, to be modified and ſetled upon him, by the Commiſſion for Plantation of Kirks in Lieu of his ſaid Right, to the Teinds hereby granted to the Patron as ſaid is: which Right ſhall be, without prejudice of any other ſeparat Right, that the ſaid Patrons either have, or may have to the ſaid Teinds, as accords of the Law.

XXVII.

ACT *anent the Lords of Seſſion, their Adviſing with open Doors.*

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, Conſidering, that the Adviſing of Cauſes with open Doors, is uſual in the Soveraign Judicatures of other Nations, and that the like practiſe here, will be of advantage to the Leiges. *Do* with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, that in time coming, all Bills, Reports, *Debates Probations*, and others relating to Proceſſes, ſhall be Conſidered, Reaſoned, Adviſed, and Voted by the Lords of Seſſion with open *Doors*; where *Parties*, *Procurators*, and all others, are hereby allowed to be preſent, as they uſed to be formery in time of *Debates*, but with this Reſtriction, that in ſome ſpecial *Caſes* the ſaids Lords ſhall be allowed, to cauſe remove all perſons, except the *Parties* and their *Procurators*, and that no perſon preſume to ſpeak, after the Lords begin to *Advice*, under the pain of *Impriſonment*, unleſs he be deſired by the Lords. *And* hereby Caſſes and *Annuls*, all former Laws and Acts of Parliament, appointing or allowing the Lords to Advice with cloſe *Doors*.

XXVIII.

ACT anent Adviſing Criminal Proceſſes with open Doors.

June 12. 1693.

THE King and Queens Majeſties, and Eſtates of Parliament, Conſidering, that by the 90 Act. *parl.* 11. K. *Ja. Sixth.* It is Statute, Declared, and Ordained, that the haill Accuſation, Reaſoning, Writs, Witneſſes, and other probation and Inſtruction whatſoever of the Crime, ſhall be alledged, Reaſoned, and Deduced to the Aſſize, in preſence of the party accuſed, in face of Judgment, and no otherways; and it being fit and convenient for the Leidges, that Criminal Tryals, which are of ſo great import, be Solemn and publick. Do therefore Statute and Ordain, that after the Debate concerning the Relevancy of Criminal Lybels, Dittayes, or Exculpations made by the Parties and their Procurators are cloſed, that the Commiſſioners of Juſticiary, and other Criminal Judges, ſhall adviſe the ſame with open Doors, in preſence of the Pannal, and Aſſize, and all others; And that no Perſon nor Perſons preſume to ſpeak, unleſs he be deſired, or interrupt, or diſturb the Court by Noiſe, or any other manner of way, under the pain of being ſent to Priſon, and fined at the Judges Diſcretion, as they ſhall think fitting any Law or Cuſtom to the contrary hereof, notwitſtanding: Declaring always, that in caſes of Rapt, Adultery, and the like; the ſaids Commiſſioners may continue their former Uſe and Cuſtom, by cauſing remove all perſons, except parties and procurators at the leading of the probation, as they ſhall ſee cauſe.

XXIX.

ACT anent the Common-Good of Royal-Burrows.

June 14. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, conſidering, that the Royal Burrows of the Kingdom, Erected and provided, with their reſpective publick Goods and Revenues, by their Majeſties Royal Anceſtors, are of late through the maladminiſtration of the Magiſtrats, and others, to whom the manadgement of the ſaid publick Goods & Revenues hath been committed

fall

fallen under great Debts and Burdens, to the diminution of the dignity of Eſtate of Burrows, and the diſabling of them to ſerve the Crown and Government as they ought; and that the Care, Overſight and Control, of the ſaid Publick Goods and Revenues, and of the adminiſtration thereof, doth undoubtedly belong to Their Majeſties, by vertue of Their Prerogative Royal, have thought fit to Declare in plene Parliament. Likeas, they do hereby Declare, that as well for what is paſt, as in time coming, Their Majeſties will give Commiſſions one or more to ſuch perſons as they ſhall be pleaſed to nominat, to enquire into the condition and ſtate of the Common Good and Revenues whatſoever of all the Royal Burrows, and how the ſamen hath been heretofore, or ſhall be hereafter imployed or miſimployed, and to call the malverſers and miſimployers to make account, and to ordain and decern them, and every one of them, to refound and repay, or otherwiſe repair the Burgh or Burghs by them Leſed, as the ſaid Commiſſioners ſhall find them lyable. And Their Majeſties with advice and conſent foreſaid, DECLARE, that the Acts and Sentences of the ſaid Commiſſioners ſhall have the ſtrength and effect of Acts and Sentences of the Court of Exchequer. And for preventing the like abuſes and miſapplications in all time hereafter, Their Majeſties with advice and conſent foreſaid, Statute and Ordain, that every Burgh-royal within this Kingdom, ſhall betwixt and the firſt day of *November* next to come, bring the Lords of their Majeſties Theſaury and Exchequer, an exact ſtated Accompt in Charge and Diſcharge, Subſcrib-d by the preſent Magiſtrats and Town-Clerk, of their whole Publick-good and Revenues, and of the whole Debts and Burdens and incumbrances that do affect the ſame. And further, that it ſhal not be lawful for hereafter to the Magiſtrats and Town-Council of any Burgh-royal, to contract any Debt, or give Bond for the ſame, obliging them and their Succeſſors in Office, without a previous Act made in the Town-Council, in their fulleſt convention, both of Merchants and Deacons of Crafrs, condeſcending upon the cauſes and uſes for which the ſaids Debts are contracted, and Bonds granted; certifying the foreſaids Magiſtrats and others who ſhal contract Debts, and grant Bonds, without the ſaid previous Act; or if the cauſes and uſes condeſcended on in the ſaid Act, ſhall not be found to be juſt, true and real, that in any of the ſaids caſes, the ſaids Contracters and Subſcribers ſhall be perſonally lyable, they and their Heirs and Succeſſors in their privat Fortunes, to relieve and disburden the Town of the ſaids Debts: and that by Decreet of the Lords of Seſſion, at the inſtance of any Burgeſs of any of the ſaid Burghs, who have born the Office of Provoſt, Baillie, or Dean of Gild within the ſame: But prejudice always to the Right and Security of the Party Creditor; As likewiſe, but prejudice to any privat perſons Rights, as to any of the ſaids Burghs, as accords.

XXX.

ACT anent the right Making and Measuring of Linen-Cloth.

June 14. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering how much the Execution of the Good Laws, for the right making of Linen Cloth, hath been hitherto neglected, to the prejudge of the Liedges & the loss of Trade within this Kingdom. Do therefore, with Advice and Consent of the Estates of *Parliament*, *Ratifie*, Approve, and *Confirm* all Acts of Parliament, made for the right making and improving of Linen Cloth, excepting in so far as the same are altered and innovat in manner after mentioned. And for the better encouragement of the right making of Linen Cloth hereafter, and the benefit that may thereby arise to the Liedges: Their Majesties, with Advice and Consent foresaid, strictly prohibit and discharge all Merchants, and other persons, Natives or Strangers, to Export from this Kingdom, any Lint of the native growth thereof, or any Linen Yarn whatsoever, under the pain of *Confiscation*, not only of the Lint and Yarn, but likewise of all other Goods which shall be bound up in the same Pack or *Cask*, with any such Lint or Yarn in order to be exported; the one half thereof for the use of the *Informer* and Attacher, and the other half to the Poor of the Paroch: certifying all *Collectors*, Surveyers and Waiters, who shall be any ways accessory to the exporting any such Lint or Linen Yarn, they shall be deprived of their Offices, and declared incapable thereof, in all time thereafter. And sicklike, Their Majesties prohibite and discharge, the selling any Linen Yarn not put up into Hesps, each Hesp containing twelve *Cuts*, and each *Cut* containing six score Threeds: and that no Reel be made use of, under the measure and length of ten Quarters, under the pain of *Confiscation* as aforesaid. *Likeas*, Their Majesties with Advice and *Consent* foresaid, Statute and Ordain, that all *Linen* Yarn be sold by Weight. And further, Their Majesties considering, how much the uniform working and measuring of Linen *Cloth*, may raise the value thereof with Natives and Strangers, and render that Trade more easie and acceptable to Merchants; They therefore, with Consent foresaid, Statute, Ordain and Enact, that all *Linen* Cloth made for export forth of the Kingdom, and sold in Fairs and publick Mercats, shall be made exact to these two Standarts following, *viz.* Either of the breadth of three Quarters and two Inches Unbleetched, and of three Quarters Bleetched; or otherways of the breadth of an Ell and two Inches Unbleetched, or a large Ell Bleetched: and that no three-quarter Broad-cloth, shall contain above a thousand double Threeds of Warp: and that all Cloth above a thousand double

double Threeds of Warp, ſhall be an Ell and two Inches broad Unbleetched, and an Ell large Bleetched. And that all Linen-Cloth to be ſold in manner foreſaid, be made up in Pieces, and half Pieces, as follows, to wit, all three-quarter Broad-Cloth in Pieces, containing eighteen Ells at leaſt; and half Piece, containing nine Ells at leaſt; and all Ell-broad Cloth in Pieces, containing twenty four Ells at leaſt; and half Pieces, containing twelve Ells at leaſt: and that all ſuch Linen-Cloth be equally and evenly wrought, according to the due thickneſs and cloſeneſs of ſufficient mercatable Cloth: and that all Weavers leave at the end of each Piece, and half Piece; three Finger-breadth of the Warp-yarn unwaſted, to remain for Thrumbs to each Piece, or half Piece: and that when they cut any Web out of the Loom, they knit every fifty double Threeds together, for the more exact numbring of the warp Threeds of every Web. And ſicklike, Their Majeſties with Advice and Conſent foreſaid, Statute and Ordain, that the Owner of all ſuch Linen-Cloth made for export, as aforeſaid, before it be expoſed to the firſt Sale, ſhall be obliged to bring the ſame to a Royal Burgh where Linen is in uſe to be ſold, there to receive the publick Seal and Stamp of the Burgh, bearing the Coat of Arms of the Burgh upon both the ends of ilk Piece, or half Peice thereof, which ſhall be a ſufficient proof of the juſt length, and breadth, the evenneſs of Working, and the due and ſufficient thickneſs and cloſneſs thereof: For which Seal or Stamp, there ſhall be payed eight Pennies *Scots* for ilk Piece, and four Pennies for ilk half Piece, to the Marker, Keeper of the ſaid Seal. And for that effect, that there be in each Royal-Burgh where Linen is in uſe to be ſold, an honeſt man, well ſeen in the Trade of Linen-Cloth, appointed to keep the ſaid Seal for Marking Linen therewith, at the Rates above mentioned, who ſhall be admitted to that Office by the reſpective Magiſtrats, upon his giving an Oath *de fideli adminiſtratione*, and finding ſufficient Caution for that effect: and in caſe at any time he refuſe to Seal and Stamp any Piece, or half Piece of Linen-Cloth, of the length, breadth, evenneſs, thickneſs and cloſeneſs above-mentioned, that be be fined therefore, at the diſcretion of the Magiſtrats: and in caſe he ſhall Stamp, or Mark any Piece, or half Piece of Linen-Cloth, which ſhall not be found of the length and breadth preſcribed by this Act, he ſhall be lyable for the Sum of twelve pound *Scots* of Penalty for each whole Piece, and ſix pound *Scots* for each half Piece, by and attour the loſing his Freedom within the ſaid Burgh: and in caſe he ſhall Stamp or Mark any Piece, or half Piece, which ſhall not be found of a due and ſufficient evenneſs and cloſeneſs, he ſhall be lyable for the Sum of three pound *Scots* of penalty for each whole Piece, and thirty ſhilling *Scots* for each half Piece, to be applyed for the uſe of the Informer, and the Poor of the Paroch in manner above-written. And Their Majeſties, with Advice and Conſet foreſaid, ſtrictly prohibit and diſcharge the Bleetching of any Linen-Cloth whatſoever, with Lime, under the pain of twenty pound *Scots*, by and attour the Confiſcation of the Cloth ſo Bleetched, for the uſes above-mentioned. And Their Majeſties, with Advice foreſaid, Statute and Ordain, that all Linen-Cloth be taken up and meaſured by the Selvedge, and not by the Ridge: certifying all ſuch as do in the contrair, that they ſhall be fined at the Diſcretion of the reſpective Magiſtrats.

Likeas, Their Majeſties, with Advice and Conſent foreſaid, Statute, Ordain and Enact, that all Linen-Cloth which ſhall be ſhipped or packed for export, before the marking thereof in manner foreſaid, ſhall be Confiſcat for the uſes above-mentioned, And in like manner, it is hereby Statute and Ordained, that all Weaving-graith, ſuch as Hedles and Reeds, which are not found of a due length and ſufficiency, for Weaving Cloth of the breadth foreſaid, after the firſt day of *November* next to come, ſhall not only be deſtroyed; but likeways, that all Weavers who ſhall have ſuch Graith, ſhall pay an hundred pound *Scots* for every Loom wherein ſuch Graith is found, *toties quoties*, to be applyed for the uſes foreſaid. And for the more effectual execution of this Act, Their Majeſties, with conſent foreſaid, authorize and impower, the inferior ordinary Judges, or Juſtices of Peace, within their reſpective Juriſdictions, to put this Act, and all Acts thereby ratified, to due execution; and if they fail, theſe Judges or Juſtices of Peace who dwell within the Burgh, are hereby authorized and impowered, to take tryal thereanent, and to put this Act, and other Acts thereby ratified, to Execution in Landwart, outwith their Burghs and Priviledges thereof. And theſe who dwell in Landwart, are in like manner Authorized and Impowered, to take tryal, and execute the ſame within Burgh, whereanent their ſeveral Juriſdictions are hereby extended, to the effect above-written allanerly. And becauſe there are, or may be conſiderable quantities of Linen-Cloth already made in the Kingdom, not of the breath and length, evenneſs, thickneſs, and cloſsneſs foreſaid, and that a convenient time ought to be allowed for exporting thereof. Therefore, Their Majeſties, with conſent foreſaid, Statute and Declare, that it ſhall be leiſom to any perſons whatſoever, to export Linen-Cloth, according as the ſame was in uſe to be exported, before the making of this Act, at any time betwixt the date hereof, and the firſt day of *March* next; certifying all ſuch, as ſhall preſume to export any Linen-Cloth, after the ſaid firſt day of *March*, not marked and ſtamped in manner above-appointed, the ſame ſhall be Confiſcat for the uſes foreſaid. And further, Their Majeſties with conſent foreſaid, Ratifie and Approve, *Act* 16. *Seſſ.* 2. *Parl.* 1 K. *James* 7. Entituled, *Act for Burying in Scots Linen.* Authorizing and Impowering the ſeveral Judges and Juſtices of Peace, to cauſe execute the ſame, in the way and manner as is preſcribed by this Act. And for the encouragement of all perſons, who ſhall enter into Companies, or Manufactories for making of Linen-cloth; It is hereby Statute and Ordained, that all Lint, Flax, and Linen-yarn, imported for the uſe of ſuch Companies, or Manufactories, and all Linen-Cloth exported by them, ſhall be free of all Cuſtom, Duties, or Exciſe, for the ſpace of

years, next after they ſhall enter into ſuch Companies, providing the ſame be entered in, and ſet up within two years from the date of theſe Preſents: Declaring nevertheleſs that it ſhall be lawful to make all ſorts of Dornick and *Damask* for Table-Linen, and all manner of Linen-Cloth made for privat uſe within the Kingdom, or that is made in the Weſtern Iſles, of ſuch length and breadth, as the Owners ſhall think fit: notwithſtanding of this preſent Act, or any thing therein-contained.

XXXI.

XXXI.

Act for the Communication of Trade.

June 14. 1693.

FORASMUCH as the Convention of Royal Burrows holden at *Dundie*, the thirteenth day of *July* one thousand six hundred ninety two years, being willing to communicat the Benefit of Trade, allowed to them by the Laws and Acts of Parliament, in favours of Burghs of Regalities, Baronies, and others that could relieve them of a proportional part of the Burden impoſed upon Trade, did by a Contract of the Date Grant Power and Commiſſion to Mr. *John Buchan* Advocat, their Agent, and to his Subſtitutes, for whom he ſhall be anſwerable, for the ſpace of three or five years, in the Option of the ſaid Mr. *John*, to cauſe put the Act of Parliament, made in their favours, upon the fourteenth day of *June* one thouſand ſix hundred and ninety years, to Execution againſt unfree Traders, and to apply all the Fines, Penalties, and Caſualities, to his and their own uſe and behove, and to communicat the benefit of Trade to Burghs of Regalities, Baronies, and others, during the ſaid ſpace, as he ſhould think fit, Reſerving always Power to the Royal Burrows, for the Freedom and Priviledge of Trade, to grant the ſame upon ſuch Compoſitions, as they ſhall think fit, providing always, the ſaids Compoſitions were payed in to the ſaid Mr. *John*, for the which, he is obliged to relieve the ſaids Royal Burrows, during the ſpace foreſaid, of ten pounds of the hundred pounds of the Taxt-Roll, impoſed upon the Royal Burrows by Act of Parliament, as the ſaid Contract more full bears. OUR SOVERAIGN LORD and LADY, and the Eſtates of Parliament, conſidering how juſt and advantageous Communication of Trade will be to the whole Liedges, when the ſame is granted by the Royal Burrows, for relief of a proportional part of the Burden impoſed upon them for their Trade: Therefore Their Majeſties with Advice and Conſent of the Eſtates of Parliament, do Ratifie, Approve and Confirm the ſaid Contract, in its haill Heads, Clauſes & Articles above-written: And Their Majeſties with Advice and Conſent foreſaid, Statute and Ordain, that ſicklike Execution ſhall paſs againſt the Burghs of Regalities, Baronies and others, for in-bringing the Proportion of the Burden to be payed by them, for relief of the Royal Burrows, which any of them hath already, or hereafter ſhall agree unto, in conſideration of the Beneſite of Trade communicat to them; Sicklike, and in the ſame manner as is uſual for in-bringing of the Ceſs payable to Their Majeſties by the Royal Burrows. And further, Their Majeſties with Advice and Conſent foreſaid, do hereby expreſly Statute and Ordain, that after the expiring of the foreſaid Contract, betwixt the ſaid Royal Burrows and Mr. *John Buchan* their Agent, the foreſaid Communication of Trade, ſhall continue and be perpetuat unto the ſaids Burghs of Regalities, Baronies and others, upon the paying or relieving the Royal Burghs, of a juſt proportion of the hundred pounds of the Taxt-roll, impoſed upon them by *Act* of Parliament, effeirand and correſponding to their Trade; And which proportion ſhall be equally condeſcended upon by the Royal Burrows, at their firſt general Meeting, after expiration of the ſaid Contract, and thereafter as often as they meet for altering of their Tax-roll: And in caſe any miſtake or inequality ſhall hap-

pen in the adjuſting the ſaid proportion to be payed by the Burghs of Regalities, Baronies and others, conform to the Trade as aforeſaid, then, and in that caſe, the ſaid Burghs are hereby allowed to apply themſelves to the Parliament, for regulating and determining the foreſaid *Quota*, according as they ſhal ſee juſt; and upon the Diviſion ſo to be made of the ſaid *Quota*, then the ſaid Royal Burghs are to diſtribute & proportion the ſame amongſt the ſaid Burghs of Regalities, Baronies and others, according to their reſpective Trades. And Their Majeſties with Conſent foreſaid, do hereby ſtrictly diſcharge all perſons whatſoever, to exerciſe any kind of Trade, under the Penalties contained in the Act of Parliament, except Burgeſſes, In-dwellers in Royal Burghs, and their Free Ports, by Conſent of their Burrows to which they belong, & theſe who pay their proportion of the ſaid *Quota*, to be payed by the Burghs of Regalities, and other Burghs aforeſaid: And to the effect the Burden may be equal and reaſonable, and that none be exempted, Their Majeſties with Advice & Conſent foreſaid, Do Authorize, Appoint and Ordain, any of theſe who have the benefite of the Communication, to put all Acts of Parliament made in favours of the Burghs-Royal in full Execution, againſt all ſuch un-free Traders within their own Bounds and Juriſdictions, as ſhall not undertake for, and pay a proportion of the ſaid *Quota*, which the Burrows are to be relieved of, and to apply the Fines and Penalties to their own uſe and behove: Likeas, the Maſters or Magiſtrats of Towns, to whom the Trade is to be communicat, are hereby Authorized to appoint Stent-maſters upon Oath within their Towns, for laying on the Burden upon the Trade, and others who have benefite by Trade.

XXXI.

ACT anent Forefaulted Perſons.

June 14. 1693.

OUR SOVERAIGN LORD and LADY, Conſidering, That by the Act of the fourth of *July* 1690. *Reſcinding Forefaultures and Fines*, There was a Commiſſion granted to certain Perſons, to Determine the Caſes Referred to their Determination by the ſaid Act; As alſo, to Cognoſce upon ſome ſpecial Remits therein-mentioned, with power to Report: Which Remits are either for the moſt part agreed, or have been neglected to be proſecuted, by the perſons Obtainers thereof. *Do therefore*, with Advice and Conſent of the Eſtates of Parliament, Diſcharge the foreſaids whole ſpecial Remits, excepting the Remit of the Caſe of Mr. *Francis Montgomery* of *Giffan*, of the Lands of *Hiſſet*, which with the conſent of Parties, is hereby referred to the Lords of Seſſion, to be by them finally decided, & be continued in Poſſeſſion. And their Majeſties with Conſent foreſaid, Ordains the whole Forfaulted perſons, reſtored by the ſaid Act, to be Reponed and Re-entered to the Poſſeſſion they had before their ſaid Forfaultures, ſicklike as if the ſaids ſpecial Remits had never been made; And further, That the Lords of Seſſion adminiſtrat Juſtice to all their Majeſties Liedges, upon all the Heads and Articles of the foreſaid Act of Parliament, by Proceſs and final Sentence, as being Judges hereby Declared unqueſtionably thereto competent, notwithſtanding of the general Power given by the ſaid Act to the ſaid Commiſſion, either as to all that have the benefit thereof, or as to any Donatar

tar whatsomever, excepting the foresaid Cases expresly referred by the said Act, to the Determination of the said Commission, *viz.* The Consideration of the Grounds of Repetition of Fines; the ease that Forfaulted persons restored in this Parliament should have of their Annualrents, while they were Dispossessed. And lastly, the forbearance that the saids Forfaulted persons, and the Cautioners for their Debts, ought to have as to principal Sums, in manner mentioned in the said Act. And their Majesties with Advice and Consent foresaid, continue the foresaid Commission, with Power to them, or their former *Quorum*, to cognosce the Cases depending before the former Commission: as also these expresly referred by the said Act to their Determination, and to report their Judgment thereanent, to the next Session of this, or any other ensuing Parliament, without prejudice always to the Reports already concluded by the former Commission, to be received when the Parliament shall think fit: As also, without prejudice to any who have pursued before the said Commission, what may be pursued before the Lords of Session, to lift their Actions, and pursue the same before the Lords of Session, notwitstanding that the said Pursuits before the said Commission may be brought to a Report.

XXXII.

ACT for the Encouraging of Forraign Trade.

June 14. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, how much the *Improvement* of Trade, concerns the Wealth, and Welfare of the Kingdom, and that nothing hath been found more effectual for the improving and enlarging thereof, than the Erecting and Encouraging of Companies, whereby the same may be caraied on, by undertakings to the remotest parts, which it is not possible for single persons to undergo; Do therefore with Advice and Consent of the Estates of Parliament, Statute and Declare, that Merchants, more or fewer, may Contract, and enter into Socities and Companies, for carrying on of Trade, as to any Subject or sort of Goods and Merchandize, to whatsoever Kingdoms, Countries, or parts of the World, not being in War with their Majesties, where Trade is in use to be, or may be followed, and particularly, besides the Kingdoms and Countries of *Europe*, to the East and West *Indies*, to the *Straits*, and Trade in the *Mediterranean*, or upon the Coast of *Africa*, or Northern parts, or elsewhere as above: Which Societies and Companies, being contracted and entred into upon the Terms, and in the usual manner, as such Companies are set up, and in use in other parts, consistently always with the Laws of this Kingdom. Their Majesties, with Consent foresaid, Do hereby Allow and Approve, Giving and Granting to them, and each of them, all Powers, Rights and Priviledges, as to their Persons, Rules and Orders, that by the Laws are given to Companies allowed to be erected for Manufactories. And farder, Their Majesties, for their greater Encouragement, Do hereby, upon the serious Recommendation of the Estates of Parliament, Promise to give to these Companies, and each of them, Their

Letters Patent under the Great Seal; Confirming to them the whole foresaid Powers and Priviledges, with what other Encouragements Their Majesties shall judge needful; and in the Form, and with the Solemnities in such cases accustomed. And the Estates of Parliament, do further recommend it to Their Majesties, that in case any of the saids Companies to be entered into, and set up as said is, shall in their Endeavours for the advancing and promoving of Trade, specially to the foresaid remoter Parts happen to be Attacked, and violently Seized, or otherways Disturbed, by Persons not in open War with Their Majesties; that then and in that case, Their Majesties would be pleased to order, that the Recovery of the Ships and Goods so seized, or otherways molest and hindred, be carried on and prosecute by publick Means, and at publick Expense, as Their Majesties shall think good, and that for the space of seven years after the date of these presents, or further after erecting of the saids Companies, and granting to them their Letters Patent, as Their Majesties shall see cause.

XXXIII.

Act anent Reset, Intercommuning, &c.

June 15. 1693.

THE KING and QUEENS MAJESTIES, and the Estates of Parliament, Considering, That by the Laws of this Kingdom, particularly the 144 Act, *Parl.* 12. K. *James* 6. The Crimes of Harbouring, Reset, Intercommuning, Maintaining, Assisting, doing Favours to, Conversing and Corresponding with Rebels Forefaulted, or Declared Fugitive by Act of Adjournal, or Letters of Intercommuning for the Crimes of Treason, are Crimes of a high Nature, and punishable with the Pains of Treason; And by the 27 Act of the 2d Parliament of King *James* the 1st. *It's* Statute that no man wilfully shall Reset, Maintain, or do Favours to open and manifest Rebellers against the Kings Majesty, and the Common Law, under the pain of Forefaulture; and in regard persons guilty of the Crimes of Treason, are often-times unknown to many of the Liedges, so as the good Subjects may be ensnared, and innocently involved, and brought under the hazard of the pains of the said Crime of Treason, when there is no *Dole* or Fault which is required by Law in all Crimes. Therefore Their Majesties, and Estates of Parliament, Do Statute and Ordain, that in all time coming, no person nor persons, shall be culpable or lyable for the Crimes of Reset, Intercommuning, and others above-specified, unless it be proven, that he knew the Party that he Reset, or corresponded with, any Law, Custom, or Practique to the contrary hereof notwithstanding.

XXXIV.

XXXIV.

Commission for Regulation of Judicatories.

June 14: 1693.

OUR SOVERAIGN LORD and LADY, from their Royal and Princely Care, of the Good and Welfare of this their Ancient Kingdom, being desireous to prevent and redress all abuses, and unwarrantable Exactions within the same, especially in Officers of publick Trust, and in the Dispensation of Justice, to the effect the same may be speedily & impartially administrated, with as little Trouble and Expense to their Subjects, as the nature of such Affairs & Proceedings can admit of; And their Majesties likewise considering, that there was a Commission granted by King *Charles* the 2*d*. of the date the 21 of *September* 1669, for the same end and purpose, whereby the persons therein mentioned were authorized, and impowered to make such Rules, Orders, and Constitutions, as might prevent the same in time coming; And who in pursuance of the said Commission, did agree upon certain Articles of Regulation relating to the Session, Justice-Court, and Exchequer, all which are ratified by the 16 Act of the 3*d*. Session of the 2*d*. *Parl*. of King *Ch*. the 2*d*. But the saids Commissioners were not able through the shortness of time, fully to perfect and accomplish so great and necessary a Work as the Good and Interest of the Kingdom requires: And their Majesties being now fully resolved to prosecute so good a Work, for the universal good of their Subjects, and to perfect the same, that their Subjects may be convinced, and sensible of the great happiness and prosperity enjoyed by them, under their Protection and Government. Therefore the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Do give full Power, Warrand and Commission to such persons as shall be nominat by their Majesties (whereof such a Number to be a *Quorum*, as their Majesties shall appoint) to meet and conveen at *Edinburgh*, the day of and thereafter, at such times and dyets, as they themselves shall appoint, with Power to the saids Commissioners, to take full and exact Tryal of all Abuses, and other Exorbitancies or Exactions, which are practised in prejudice of their Majesties Leidges, in any Offices of Judicator, or others within this their Antient Kingdom, and to take Tryal and Information by all manner of Probation thereanent, and how the saids Abuses have crept in, and from what time, and to take notice and Tryal of the Authors and Committers thereof, and to transmite

an exact and perfect Accompt of the same to Their Majesties, that they may signifie their Royal pleasure, and give what Directions therein they think just: And for the effectual preventing and restraining the same in time coming, Their Majesties, with Advice and Consent foresaid, Do hereby Authorize and Impower the foresaids persons, or *Quorum* of them, to make such Orders, Acts and Constitutions, for regulating the same in time coming, as they shall find just, under such Penalties and Certifications to be incurred by the Contraveeners, as the saids Commissioners shall find necessary in that behalf; All which Acts, Ordinances, and Constitutions to be made by the saids Commissioners, and approven under his Majesties Royal Hand. Their Majesties, with advice and consent foresaid, Do Ratifie, Approve and confirm, and Decerns and Ordains the same to be put in Execution, and to have full Force, Strength and Effect, against the Contraveeners in all time coming. And likeways, Their Majesties with consent foresaid, Do hereby Authorize and Impower the saids Commissioners, to prescribe and set down clear and distinct Rules for the inferior Judicatories in this Kingdom, as to their Competency, and the nature of their Jurisdictions, that the Leidges may be at a certainty, and not be put to trouble and expense, by being called and forced to compear, and attend before different Courts, for the same Cause, hereby inhibiting and discharging the saids Judges to proceed, or determine in any other Actions or Causes, than what shall be found by the saids Commissioners to be proper and competent for their Jurisdictions; Declaring all such Acts and Decreets to be given and pronounced by them, in matters not competent to their Jurisdictions, to be null and void, and the Judges to be lyable to the Damage and Prejudice of the Party grieved, and to be punishable at the sight of the Lords of privy Council, for transgressing their Jurisdiction; And to the effect, so just and necessary a work may meet with no Obstruction from the negligence or not attendance of the foresaids Commissioners; Their Majesties with Advice and Consent foresaid, Statutes, Ordains and Declares, that the Commissioners, who without a just and lawful Excuse (to be allowed by such of the Commissioners who shall meet) shall not attend the Dyets of Meeting appointed, or to be appointed; lar carrying on of the said Work, shall incur the pain of an hundred pounds *Scots* Money, *toties quoties*, to be disposed of by the Commissioners, as they shall think just; And for which, Letters of Horning and Poynding are hereby granted. And it is hereby Declared, that this Commission shall continue and endure during Their Majesties pleasure, and ay and while the same shall be recalled, or discharged by Their Majesties.

XXXIV

XXXV.

ACT anent Procuratories of Resignation, and Precepts of Seasin.

June 15. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, considering that Procuratories of Resignation, and Precepts of Seasin, do become void by the death of the Granters, as well as of the Parties in whose favours they are granted, albeit they be granted in *rem suam*, and wholly in favours of the Receiver, and that thereby a great and unnecessary Expense is occasioned for obtaining these Procuratories and Precepts renewed. Therefore Their Majesties with Advice and Consent of the Estates of Parliament, Do Statute, Ordain and Declare, that Procuratories of Resignation, and Precepts of Seasin, either already granted, or to be granted, shall in all time coming, continue in full Force, and be sufficient Warrands, not only for making of Resignations, and taking Seasins in favours of the Parties to whom they are or shall be granted, but likewise in favours of their Heirs, Assigneys, and Successors having Right to the said Procuratories and Precepts, either by a general Service, or by Disposition and Assignation, or by Adjudication, as well after as before the death of the Granters or parties to whom they are granted, or both; providing always that the Instruments of Resignation and Seasins taken after the death of either party, express the Titles of these in whose favours the Resignation is made, and to whom the Seasin is granted, and that the same be deduced therein, otherways to be void and null. Excepting always from this Act Precepts of *Clare Constat*. And it is further hereby Declared, for the greater Security of Purchassers and others, that Charters granted by subaltern Superiors, may bear a Clause of Registration, als well as Dispositions, and that on the said Clauses Registration may follow, but only in the Books of Council and Session, and in no other Record.

XXXVI.

ACT explaining an Exception in the Act anent Patronages, for the Provoſtry of Hamilton.

June 15. 1693.

FORASMUCH, as by the Exception mentioned in the end of the 23 *Act* of the 2 *Seſſion* of this current *Parliament, concerning Patronages*, The Superiorities belonging to the Deanry of *Hamilton*, and Provoſtry of *Bothwell*, whereunto the Duke of *Hamilton* has Right, are excepted; and there being a miſtake in the Deſignation of the Deanry of *Hamilton* for the Provoſtry of *Hamilton*, it not being a Deanry but a Provoſtry: Therefore the King and Queens Majeſties, with Advice and Conſent of the Eſtates of Parliament, for clearing that Exception in the ſaid Act, Statutes and Ordains, that the Superiorities belonging to the Provoſtry of *Hamilton*, and the Provoſtry of *Bothwel*, whereunto the Duke of *Hamilton* has Right, are no ways comprehended in the ſaid Act concerning Patronages, but are expreſly excepted out of the ſamen.

XXXVII.

Act Prorogating the Dyet of the Miniſters taking the Oath of Alledgance and Aſſurance.

June 15. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, conſidering that the twenty Day of this inſtant, Appointed for the Miniſters and Preachers, School-maſters and Pedagogues, to take and ſubſcribe the Oath of Alledgeance, and ſubſcribe the Aſſurance, by the late Act thereanent, is too ſhort a time to reach the furtheſt Parts of the Kingdom; Do therefore with Advice and Conſent of the Eſtates of Parliament, prorogat the foreſaid time, to the tenth Day of *July* next to come; Ordaining them to give Obedience to the foreſaid Act, betwixt and the ſaid day peremptorly, under the pains therein contained; and for that effect progats the Commiſſion given by the Lords of the Privy Council, to the Perſons thereby appointed for that Effect, with

with power to them, to meet before, upon the Day of the ſaid Month, in manner ordained in the ſaid Act

XXXVIII.

Additional Act anent Fines and Forfaulted Perſons.

June 15. 1693.

OUR SOVERAIGN LORD and LADY, The King and Queens Majeſties, for an Addition to the Act made in this Seſſion of Parliament, in favours of the perſons reſtored againſt their Forfaultures and Fines, by the Act One thouſand ſix hundred and Ninety: Do hereby Statute and Ordain, That the Lords of Seſſion, declared to be Judges competent by the ſaid Act, and Ordained to Adminiſtrat Juſtice thereon, in manner therein provided, ſhall do the ſame to the perſons therein concerned ſummarly, and diſcuſs all their Actions and Cauſes in the Premiſſes, without abiding the Order of the Roll, for their more eaſie and effectual Reſtitution.

XXXIX.

ACT for the Juſticiary in the Highlands:

June 15. 1693.

OUR SOVERAIGN LORD and LADY, The King and Queens Majeſties, For the more effectual ſuppreſſing of the Depredations and Robbries ſo frequently committed in the Highlands, to the prejudice and Ruine of many of Their good Subjects, and to the Reproach of the Laws and Government of the Kingdom. *Do* therefore with Advice and Conſent of the Eſtates of Parliament, Enact and Declare, that their Majeſties by vertue of their Prerogative Royal, may grant Commiſſions of Juſticiary, one or more, & for ſuch time as they ſhal think fit for the Bounds of the Highlands, with all the Powers neceſſary and uſual in ſuch Commiſſions: and excepting therefrom the Bounds and Lands lying and compre-

hended within the heretable Right of Juſticiary-General pertaining to the Earl of *Argyle*, as alſo, the heretable-Right of Juſticiary General pertaining to any other within the bounds foreſaid: providing nevertheleſs, that if at this time, Their Majeſties ſhall think fit, for the neceſſary Repreſſing of the foreſaids Crimes and Diſorders, to grant Commiſſion for the ſpace of two Years, for the bounds not above excepted, the foreſaids perſons having right to the heretable-Juſticiaries-General, ſhall at the ſame time grant ſufficient Commiſſions to the ſame perſons that ſhall be named by Their Majeſties in the foreſaid Commiſſions for their reſpective Bounds, to the effect that all acting of Conſent, the foreſaid Depredations and Robberies may be the more effectually puniſhed or reſtrained, by vertue of Their Majeſties Royal Authority, to be exerciſed by the ſaids Commiſſioners, and Deputies of Juſticiarie, in manner above-expreſt, without prejudice always to the whole foreſaids perſons, and Lords of Regality, and all others of their ſeveral reſpective Rights and Juriſdictions, and alſo reſerving their Right of Prevention for fifteen days, and their Rights to all Eſcheats, and other Caſualities as accords. And further, for the Ends foreſaid, Their Majeſties with Advice and Conſent foreſaid, Do hereby revive the Act of Parliament 1633, againſt the *Clangrigor*, and that notwithſtanding the ſame was reſcinded in the year 1661, which Act Reſciſſory, Their Majeſties hereby annul and make void; and their Majeſties conſidering that the extending of Acts made anent Clans and their Chiftains, for the more effectual repreſſing of Thefts and Depredations in the Highlands, may alſo be ſingularly uſeful for preſerving of the publick Peace, Do therefore hereby extend the ſame to the caſe of the publick peace, and for preſerving thereof, as well as to the ſaid Thefts and Depredations.

XL.

ACT againſt Prophaneneſs,

June 15. 1693.

OUR SOVERAIGN LORD and LADY, taking to their ſerious Conſideration, the Profainity and Immoralities that ſo much at preſent abound, & how much it concerns the Glory of God, the Honour of the Proteſtant Religion, and the Good and Peace of the Kingdom, that they be repreſſed and reſtrainrd. Do therefore, with Advice & Conſent of the Eſtates of Parliament, hereby Ratifie and revive all Acts of Parliament, formerly made againſt Sabbath-breaking, profane and idle Swearing, Drunkenneſs, or other Immoralities whatſoever: Ordaining the ſame to be put to ſtrict Execution with all diligence. And for the better effectuating thereof, do hereby Impower, and Ordains every presbytery within this Kingdom, to appoint one or more within their reſpective Bounds, whom they ſhall think fit to choiſe, to take notice of the foreſaid

Vices

Vices and Immoralities, and to dilate and profecute the perſons guilty thereof, before the Magiſtrats of the Bounds, conform to the Tenors of the ſaids Acts, and allowing to them out of the Fines and Penalties that ſhall be incurred, not only their whole Charges and Expenſes of the ſaid Proſecutions, but alſo ſuch further Rewards, as the Lords of Their Majeſties Privy Council ſhall think fit.

XLI.

Act anent the Quorum *of the Commiſſion for Viſitation of Colledges and Schools.*

June 15: 1693.

THE King and Queens Majeſties, Conſidering, that in the Commiſſion granted in the ſecond Seſſion of this current Parliament, for Viſitation of Univerſities, Colledges, and Schools, the major part of the Viſitors, is appointed to be a *Quorum*, and ſeing there may be Difficulty to get ſo great a Number as the major part of them to meet; And that thereby the Proſecution of the ſaid Commiſſion may be fruſtrat: Therefore Their Majeſties, with Advice and Conſent of the Eſtates of Parliament, Do Ordain Eleven of the perſons nominat by that Commiſſion to be a *Quorum*, in place of the major part formerly appointed by the ſaid Commiſſion.

XLII.

Act Salvo Jure Cujuſlibet.

January 15. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, taking to Conſideration, that there are ſeveral Acts, and others paſt and made in this Seſſion of Parliament, in favours of particular perſons, without Calling or Hearing of ſuch as may be thereby concerned and prejudged: Therefore Their Majeſties, with Advice and Conſent of the Eſtates of Parliament, Statutes & Ordains, that all ſuch particular Acts, and others paſt in manner foreſaid, ſhall not prejudge any Third Party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaids

particular Acts; and the Lords of Session, and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties according to their several Rights standing in their Persons before the making of the saids Acts: All which are hereby Exponed and Declared to have been made, *Salvo Jure cujuslibet.*

XLIII.

ACT of Adjournment.

June 15. 1693.

THE KING and QUEENS Majesties, Declares this Parliament Current, and Adjourns the same to the Twelfth day of *September* next to come; Ordaining all Members of Parliament, Noblemen, Commissioners for Shires and Burghs, and all others having Interest, to attend at *Edinburgh* that day at Ten a Clock; and that there be no new Elections in Shires or Burghs, except upon the Death of any of the present Commissioners.

Collected and Extracted from the Registers and Records of Parliament, *by*

TARBAT, *Cls. Registri.*

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FINIS.

These are allowing the *Act* and *Ratification* past in Parliament, on the Twelfth Day of *June*, One Thousand Six hundred and ninety three Years; Together also with the *Acts* to which it Relates, and therein Narrated in favours of *George* Earl of *Melvill*, Lord Privy Seal, to be Printed:

TARBAT, Cls. Regiſtri.

ACT and RATIFICATION in favours of George *Earl of* Melvill.

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majeſties, and Eſtates of Parliament, taking to their Conſideration, the Petition given in to them by *George* Earl of *Melvill*, Lord Privy Seal, *&c.* Mentioning, That where in the ſecond Seſſion of this current Parliament, when the ſaid Earl of *Melvill* was Their Majeſties Commiſſioner, there paſt two Acts in his favours, one of them Intituled, *An Act of Diſſolution diſſolving the Lands and Barony of* Mony-mail, Raith, *and* Balweary, *and others pertaining to him, from the Crown*: The other, *Act for Reſcinding of his Forfaulture*. Which two Acts, albeit warranted by a ſpecial Letter under His Majeſties Hand, of the Date the day of One Thouſand Six Hundred and Ninety years. Yet leaſt at any time thereafter it might come to be Quarrelled as paſt when he was ſole Commiſſioner himſelf, and had the only Power from His Majeſty to Ratifie and Approve the *Acts* paſt in that Seſſion of Parliament, and adhibiting the Royal Authority thereto; and that it is nottour to the Parliament, that the Grounds and Reaſons whereupon the ſaids two Acts were paſt, were juſt and good: Therefore humbly craving, that his Grace and the Eſtates of Parliament, might Ratifie and Approve the foreſaids two Acts, in the haill Heads, Clauſes, Tenor, and Contents thereof, and declare the ſamen to be of als great Force, Strength, and Effect, as if any other perſon had been Their Majeſties Commiſſioner when the ſamen were paſt, and diſpenſe with that or any other Objection that may be moved or pretended againſt the ſamen, and that this Act be excepted from the Act *Salvo Jure*, as the ſamen in it ſelf more fully bears. Therefore, Our ſaid Soveraign Lord and Lady, and the Eſtates of Parliament, Ratifie, Approve, and confirm the foreſaid Act of Diſſolution in favours of the ſaid *George* Earl of *Melvill*, whereof the Tenor follows. 'At *Edinburgh*, the 'Twenty ſecond day of *July*, One thouſand ſix hundred and ninety years:

'The Estates of Parliament taking to their Consideration, a Letter under 'His Majesties Royal Hand, of the Date at *Kensingtoun*, the Fourth Day 'of *June* last by-past, Whereby His Majesty Authorizes the said Estates, to 'Dissolve from the Crown and Patrimony thereof, the Lands and Estate 'of *George* Earl of *Melvill*, His Majesties Commissioner for holding the 'present Session of this current Parliament, annexed thereto by the Fourty 'second Act of the Parliament One thousand six hundred and eighty five 'years, Conform to a Decreet and Sentence of Forfaulture Pronounced 'against him, on the day of in the said year; against 'which Sentence and Decreet, he is now Restored *per modum Justiciæ*, by 'an Act of this present Parliament, as to which His Majesty has been plea- 'sed to Declare in the said Letter His Royal Purpose of giving back to the 'said Earl, his saids Lands and Estates, in so far as His Majesty might have 'pretended Right thereto, and of Interposing His Royal Assent to the Act 'of Dissolution to be past thereupon, in manner after mentioned: Therefore 'the Estates of Parliament, in a Dutiful Acknowledgment of His Majesties 'Justice, and Royal Will, Declared to them thereanent, Do by the Te- 'nor hereof, Statute, Ordain and Declare, that the Lands and Barony of '*Mony-male*, *Raith* and *Balweary*, and others belonging to the said Earl, 'and Annexed by the foresaid Act, be Dissolved: Likeas, they hereby 'are, and shall be Dissolved from the Crown and Patrimony thereof, 'and from the said Act, and all other Acts of Annexation, and from all 'Clauses and Conditions therein-contained, in all time coming: Likeas, 'the said Estates, Authorized thereto as said is, Do Find, Decern and 'Declare, that this Act of Dissolution, shall not be understood to fall under, 'or be comprehended in any Act *Salvo Jure*, to be past in this or any other 'Session of this current Parliament, but that the same is hereby expresly 'Excepted therefrom in all time coming. *Extracted furth of the Records of* '*Parliament, by me*, Sic subscribitur, *T. Burnet*, Cls. Reg. As also, the foresaid Act of Reduction in his favours, whereof the Tenor follows: 'At '*Edinburgh*, the Twenty second day of *July*, One thousand six hundred 'and ninety years; The Estates of Parliament having Considered an Act 'of Adjournal of the Justice-Court, dated the Tenth Day of *November*, 'One thousand six hundred and eighty four years, against *George* Earl of '*Melvill*, therein designed Lord *Melvill*, with a Process of Treason and 'Forfaulture for the said Crime, contained in the said Act of Adjournal, 'Led & Deduced upon the Fifteenth day of *June*, One thousand six hun- 'dred and eighty five years, before the late King *James*, and the then Par- 'liament, against the said *George* Earl of *Melvill*, with the Decreet & Sen- 'tence of Forfaulture thereon, Given and Pronounced. And albeit there be a long Libel in the said Process, containing many attrocious Crimes, yet the only Points found relevant against him, were his Corresponding with the Rebels, and giving Intelligence to them, when they were actually in Rebellion, Concealing and not Revealing the same. And that notwith- standing, that as to the first Point, there were a Petition given in by the Lady *Melvill*, and read in plain Parliament, Representing, that what he did therein, he did by Commission from the Duke of *Monmouth*, who had at

that

that time an ample Commiſſion from His Majeſty, under the Great Seal, and that a Copy of the ſaid Commiſſion, with the ſaid Declaration, were Produced, and only Rejected upon theſe Grounds, *Viz.* That the ſaid Earl of *Melvill* was not Compearing, and therefore no Petition could be received in his behalf, and that the foreſaid Declaration was Impetrat *ex poſt facto*, and not upon Oath, which Grounds were altogether *I*rrelevant, ſeing that albeit the Earls not Compearing might have hindred the receiving of any Petition in his behalf; yet the Petition being received, with its foreſaids Verifications actually produced, and the Conſcience of the Parliament, the great Aſſize of the Kingdom, thereby convincingly *I*nſtructed, they could not in Law or Reaſon neglect the ſame. And as to the ſecond Alledgeance, *viz.* That the Declaration was given *ex poſt facto*, and not upon Oath, yet ſeing it could not be denyed to be the Declaration of the Duke of *Monmouth*, Veſted at that time with his Majeſties Commiſſion as ſaid is, it was a ſufficient Evidence in the ſaid Matter, eſpecially ſince it was not only Notour to all, but alſo Teſtified by the Witneſſes, that any Meſſage ſent at that time to the Rebels, was only to Require them to lay down Arms, and come to the Kings Will; and further, it was Declared by one of the Witneſſes, that that Meſſage was at the ſame time ſent by Order of the Duke of *Monmouth*, but this part of the Depoſition was refuſed to be Marked, as hath been now ſufficiently Inſtructed; Likeas, it is alſo now made apparent, that the King (before the Duke of *Monmouth*'s coming from *London*) gave Warrant for the ſaid Meſſage, both to the Duke and to the Earl of *Melvill*. And as to the other Point, *viz.* The ſaid Earl of *Melvill* his Acceſſion to the Conſpiracy againſt the late King *James*, and the Perſon and Government of King *Charles*, or his concealing and not revealing the ſame, all pretended to be proven was, preſent at a Meeting in *London*, where it was diſcourſed, and only in ambiguous & dark terms of the Means for ſecuring the Proteſtant Religion, and the Laws and Liberties of the Kingdom, in caſe of the Succeſſion of King *James*, then only Duke of *York*, and a Subject: As alſo, that even this point was not lawfully proven, there being no clear concurring Witneſs in the caſe, but two of three Witneſſes ſtanding accuſed for the ſame Crime, and under Terror thereof unpardoned; and by the Probation ſupplyed by producing the Teſtimonies of Witneſſes abſent, and one of theſe Teſtimonies evidently produced and made uſe of againſt the publick Faith given in the contrary; As likewiſe, that the ſaid Earl being for the time out of the Countrey, and alſo denounced upon the foreſaid Act of Adjournal: There was no Relaxation raiſed until a few days before the Compearance, and he had never the Offer of an *I*ndemnity, nor was for the time in open Rebellion, ſo that he had not *tutus acceſſus*: All which were ſufficiently verified in preſence of the Eſtates of Parliament, by production and reading of the foreſaid Act of Adjournal, and Decreet of Forfaulture, Depoſitions of the Witneſſes, whereupon the ſame was founded, and haill Procedure therein, together with the Depoſitions of the Witneſſes now adduced in Parliament, and other *I*nſtructions produced, read and adviſed. Likeas, for the more clear and ſure aſſerting of Their Majeſties ſpecial Authority interponed in this matter, there was produced and read in Parliament, a Let-

er from the Kings Majesty, of the Tenor following. *Supraſcribitur* *WILLIAM* R. ' My Lords and Gentlemen, We are informed, that *George* ' Earl of *Melvill*, now preſent Commiſſioner for holding this Seſſion of Par- ' liament, is to intent & raiſe an *Action* of Reduction before you, of a Decreet ' and Sentence of Forfaulture pronounced againſt him, in the Parliament one ' thouſand ſix hundred eighty five, for alledged correſponding with the Re- ' bels at *Bothwel-bridge*, and being *Airt* & Part of the Plot and Conſpiracy ' at *London*, in the year one thouſand ſix hundred eighty three; which Action ' being to be moved at his own inſtance, againſt Our Officers of State, ' to be therein called, to prevent any Exception that now or hereafter may ' ariſe, anent the Formality of the Proceeding; The ſaid Earl being Our ' Commiſſioner for the time: We have thought fit by theſe preſents, not ' only to diſpenſe with the ſummonding of all Our Officers of State, and to ' Declare, that any Citation or Intimation to be made to any of them, may ' be done in ſuch manner, and in as ſhort time as ye ſhall judge meer. But ' alſo to authorize you to iſſue forth the ſaids Summonds, and to Hear, Diſ- ' cuſs, and finally determine in the ſaid *Action* and Cauſe, in the ſame ſort ' and as effectually as if We were perſonally preſent amongſt you, interpo- ' ſing hereby fully Our Royal *Aſſent*, to any *Act* or Decreet you ſhall paſs ' in the matter: *And* We appoint you to cauſe Record this Our Letter in ' the Books of Parliament, for your ſufficient Warrand, and ſo We bid you ' heartily farewel. Given at Our Court at *Kenſingtoun*, the fourth day of ' *June* one thouſand ſix hundred and ninety years, and of Our Reign the ' ſecond year, *Subſcribitur*, W. R. And ſeing by the *Claim of Right*, contain- ed in the Declaration of the Eſtates, againſt the late King *James*; It is ex- preſly provided, that the cauſing Forfault Perſons, on weak and frivolous Pretences, upon lame and defective Probation, is contrary to Law, and that all ſuch Forfaultures ought to be conſidered, and the perſons leſed re- dreſſed. Therefore the King and Queen Majeſties, with Advice and Con- ſent of the ſaid Eſtates of Parliament, Do hereby *ex Juſticia*, Reduce, Re- ſcind, Retreat, Caſs and Annul the foreſaid Sentence and Decreet of For- faulture, pronounced againſt the ſaid *George* Earl of *Melvil*, with the Gifts of Forfaulture and Preſentation, or Eſcheat, and all other Right or Deeds following, or that may follow thereupon. As alſo, the foreſaid Act of Ad- journal, with all that has followed or may follow on the ſame. And De- clares the ſaid Sentence and Decreet of Forfaulture, and Act of Adjour- nal, to have been from the beginning, and to be now, and in all time coming, Void, Null, and of no Avail, Strength, or Effect, Reponing and Reſtoring the ſaid Earl to his Blood, Eſtate Heretable and Movable, Fame, Honor and Dignity, againſt the ſame, *in integrum per modum Juſticia*. And ſicklike, and as freely in all reſpects, as if the ſaid Decreet and Doom of Forfaulture, and Act of Adjournal above-mentioned had never been pronounced. And Their Majeſties, with Advice and Conſent foreſaid, Reſcind the Act of Annexation one thouſand ſix hundred and eithty five, Annexing the ſaid Earl his Eſtate to the Crown. And further, and for ſu- perabundance, Do hereby diſſolve the ſaid Eſtate from the Crown, in his own favours, Reponing and Reintegrating him to his full Right & Poſſeſ-

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ſion of the ſame, as if the ſaid Sentence of Forfaulture and Act of Adjournal had never been. And that norwithſtanding of any other Right or Deed that might have been made or granted in favours of any other perſon to his prejudice: *As* alſo, Their Majeſties, with Conſent foreſaid, Declare, that it ſhall be leiſome to the ſaid Earl, to repeat any Compoſition or Sums of Money, payed either by himſelf, or any other perſon for him, on the account of the Eſcheat and Forfaulture, or for Gifts thereof to his own or Childrens behove, or for obtaining a Remiſſion for the ſaid pretended Crimes, from the perſons receivers thereof, or Intrometters therewith, who are hereby declared to refound the ſame, with the Intereſt thereof, ſince *Martinmaſs* one thouſand ſix hundred eighty eight years. As alſo, that all Bonds and other Securities granted by him, or any other for him, on the account foreſaid, in whatſoever terms they may be conceived, and to whomſoever granted, are, and ſhall be void and null, Ordaining the Havers thereof, to deliver up, and give back the ſame to be cancelled; and that Letters be direct for that effect as effeirs. *And* Their Majeſties and Eſtates of Parliament, Statute and Ordain, that this preſent Act, ſhall have full Strength, Force and Effect of a publick Law, in favours of the ſaid Earl of *Melvill* and others foreſaids: And Statute, that this preſent *Act* is, and ſhall be underſtood to be excepted from the *Act Salvo Jure*, to be paſt in this preſent Parliament. Extracted furth of the Records of Parliament, by me, *ſic ſubſcribitur*, *T. Burnet*. Cls. Reg. *In the haill* Heads, Clauſes, Articles, Tenor and Contents of the ſame. *And* finds and declares, that the ſaids *Acts* were legally and warrantably done, and are of as great Force, Strength and Effect, as if any other perſon had been Their Majeſties Commiſſioner the time that the ſame were paſt in Parliament, and hereby diſpenſe with that, or any other Objection that can be moved or pretended there-againſt; and by thir preſents, excepts this preſent *Act* and Ratification out of the Act *Salvo Jure*, to be paſt in this preſent Seſſion of Parliament.

Extracted furth of the Records of Parliament, *by* George *Viſcount of* Tarbat, *Lord* Mcleod *and* Caſtlehaven, *Clerk to Their Majeſties* Parliament, Council, Exchequer, Regiſters *and* Rolls.